



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
DECEMBER 9, 2014**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM NOVEMBER 13, 2014**

**III. STAFF COMMENTS AND PROCEDURES**

1. Adoption of the City of Fort Smith Comprehensive Plan
2. Rezoning #22-12-14; A request by Tim A. Risley & Associates, agent for Thomas H. Webb, Jr., for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7000 Chad Colley Boulevard.
3. A request by Mickle, Wagner, Coleman, Inc., agent for Arvest Bank, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial located at 11808 Highway 71 South. (companion item to item #4)
4. Rezoning #23-12-14; A request by Mickle, Wagner, Coleman, Inc., agent for Arvest Bank, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification located at 11808 Highway 71 South. (companion item to item #3)
5. A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to Extra Territorial Jurisdiction Light Industrial located at 12934 Old Highway 71 South. (companion item to item #6)
6. Rezoning #24-12-14; A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra

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P.O.Box 1908  
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Territorial Jurisdiction Industrial Light (ETJ I-1) by Classification located at 12934 Old Highway 71 South. (companion item to item #5)

7. A request by Brandon Woodrome, agent for Ben David, LLC, for a Master Land Use Plan Amendment from Open Space and Office, Research & Light Industrial to Neighborhood Commercial located at 3101-3225 Phoenix Avenue. (companion item to item #8)
8. Rezoning #25-12-14; A request by Brandon Woodrome, agent for Ben David, LLC, for a zone change from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification located at 3101-3225 Phoenix Avenue. (companion item to item #7)
9. Conditional Use #34-12-14; A request by Thomas Howard, agent for ACH Central Shopping Center, LLC, for a conditional use for a technical or trade school located at 1200 Waldron Road.

#### **RECESS PLANNING COMMISSION**

#### **CONVENE BOARD OF ZONING ADJUSTMENT**

10. Variance #33-12-14; A request by Diana Lopez, agent for Raymundo Lopez Martinez and Teresa Lopez Diaz, for a variance from 5 feet to 2.5 feet interior side yard setback located at 4215 North Street.
11. Variance #34-12-14; A request by Mickle-Wagner-Coleman, Inc., agent for Rogers Avenue Properties, Inc., for a variance from 20 feet to 0 feet interior side yard setback located at 5721 Rogers Avenue.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
NOVEMBER 13, 2014**

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Bob Cooper, Jr., Rett Howard, Michael Redd, Jennifer Parks, Richard Spearman and Don Keese. Commissioner Vicki Newton was absent.

Chairman Sharpe then called for the vote on the Planning Commission minutes from the October 14, 2014, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

**1. UDO Amendments**

Mr. Wally Bailey noted that this UDO amendment is being proposed in order to allow school, technical or trade as a conditional use in the Commercial Regional (C-4) zoning classification. Mr. Bailey stated that a staff had received a request for a technical or trade school in the C-4 zone and in order to accommodate the use a text amendment is required. Mr. Bailey stated that this is consistent with the other land uses related to schools and still requires Planning Commission approval.

Mr. Bailey stated that staff believes that as a conditional use this would alleviate concerns about some trade or technical schools by allowing for a public review of any application in a C-4 district and would allow for an appeal process to the Board of Directors.

No one was present to speak either in favor or in opposition to this amendment.

Chairman Sharpe called for the vote on the UDO amendments. The vote was 7 in favor, 0 opposed and 1 abstention (Howard).

- 2. Rezoning #21-11-14; A request by John Alan Lewis, agent for Peachtree Village, LLC and Peachtree Village South Property, LLC for a zone change from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification located at 1500 Fresno Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow the existing assisted living facility to become a permitted use in a Planned Zoning District. Ms. Rice stated that currently the existing business is a conditional use in the Residential Multi-Family Medium Density (RM-3) zone.

Ms. Rice noted that a neighborhood meeting was held on November 12, 2014, with one (1) property owner in attendance who expressed no concerns relative to this rezoning request.

Ms. Katie Papasan, representing John Alan Lewis, was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

**3. Conditional Use #33-11-14; A request by David Conyers for a conditional use for a business professional school (beauty school) located at 5005 Old Greenwood Road.**

Ms. Maggie Rice read the staff report indicating that the purpose of this conditional use request is to allow for the renovation of an existing structure into a beauty school for 72 students and 7 instructors.

Ms. Rice noted that a neighborhood meeting was held on Monday, November 3, 2014, at 5005 Old Greenwood Road with one (1) neighboring property owner attending the meeting with no objections to the proposed project.

No one was present to speak in opposition to this request.

Motion was then made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Submittal of trash receptacle screening details with building permit plans to confirm compliance with UDO requirements.



- All signs require a separate permit application and plan review prior to the issuance of the sign permit.
- All building exterior lighting and all site lighting shall meet the requirements of the UDO Commercial and Outdoor Lighting requirement.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

**4. A request by Scott Branton, agent for Rob Coleman, for development plan approval for a multi-family development located at 4601 Jenny Lind.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the development plan is to allow a twenty (20) unit multi-family development consisting of ten, one-story, two-bedroom duplexes that will exceed the UDO requirements for parking, signage, architectural features and landscaping.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan and any Planning Commission amendments. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A site lighting plan shall be submitted during the building permit review to confirm compliance with the UDO Commercial and Outdoor Lighting requirements.
- Submittal of trash receptacle screening details shall be submitted during the building permit review to confirm compliance with the UDO screening requirements.
- All signage shall require separate permitting.
- A monument sign as shown on the development plan shall be required.

- A final drainage plan shall be submitted during the building permit review to confirm compliance with the City's drainage standards.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper).

- 5. A request by Guest Reddick Architects, agent for Silverthorne, LLC, for development plan approval for a retail facility located at 5400 Phoenix Avenue. (companion item item #6)**
- 6. Variance #32-10-14; A request by Guest Reddick Architects, agent for Silverthorne, LLC, for a variance from perimeter landscaping requirements located at 5400 Phoenix Avenue. (companion item to item #5)**

Ms. Brenda Andrews read the staff report indicating that the purpose of these requests is to allow a five-unit retail facility oriented toward Phoenix Avenue with parking on three sides of the retail facility. Perimeter landscaping along Phoenix Avenue and interior landscaping are also being proposed with the applicant also submitting a companion variance application from the minimum number of trees required along Phoenix Avenue from 17 to 6.1.

No one was present to speak in opposition to these requests.

Chairman Sharpe called for the vote on these requests with the variance request being voted on first.

## **RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT**

- 6. Variance #32-10-14; A request by Guest Reddick Architects, agent for Silverthorne, LLC, for a variance from perimeter landscaping requirements located at 5400 Phoenix Avenue. (companion item to item #5)**

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to compliance with the development plan. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT  
RECONVENE PLANNING COMMISSION**

- 5. A request by Guest Reddick Architects, agent for Silverthorne, LLC, for development plan approval for a retail facility located at 5400 Phoenix Avenue. (companion item to item #6)**

Chairman Sharpe called for the vote on the development plan. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All proposed signs shall comply with the Phoenix Avenue Overlay District standards outlined in Section 27-440-B of the UDO.
- Roof drainage system shown in existing water transmission line easement must be relocated outside of the easement.
- Areas of pavement constructed over water transmission easement must maintain a minimum of 30" of cover over existing 24" water transmission line.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

**Meeting Adjourned!**

# MEMORANDUM

**To:** City Planning Commission  
**From:** Wally Bailey, Director of Development Services  
**Date:** December 4, 2014  
**Subject:** Comprehensive Plan Update

The comprehensive plan update is near conclusion as we are now in the final phase seeking approval by the Comprehensive Plan Steering Committee, the Planning Commission and the Board of Directors. A chart showing the project work schedule is attached.

The Comprehensive Plan Steering Committee (CPSC) has been working with our comprehensive plan consultant Wallace Roberts & Todd (WRT).

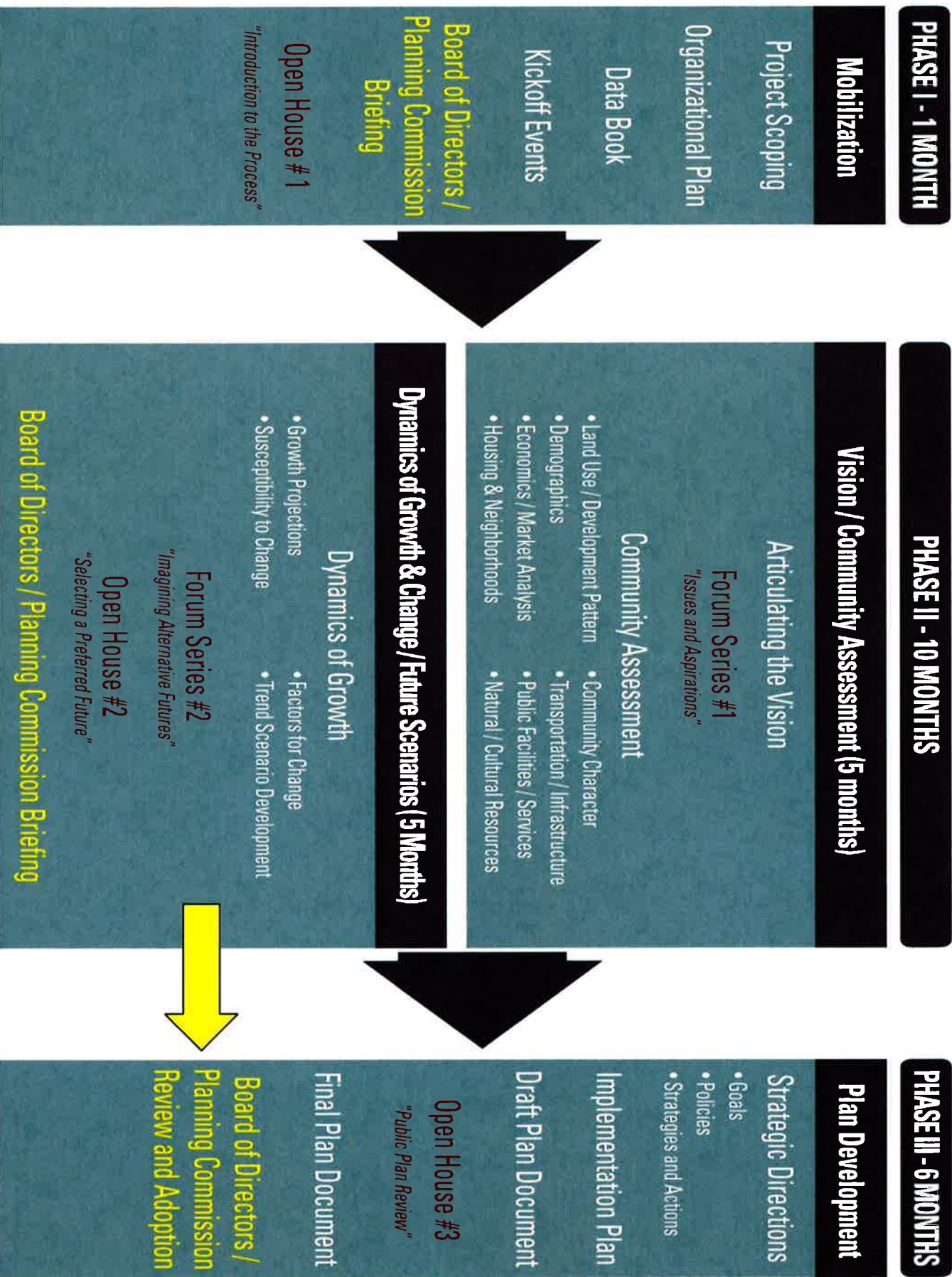
The Comprehensive was developed in coordination with the CPSC and includes updated goals, policies, and actions based on the public input collected throughout the planning process.

The CPSC and WRT hosted two community forums, three open houses and twelve meetings in a box. For anyone who was unable to attend a meeting an online survey was made available to collect their ideas. The public input included approximately 1,600 ideas, and 600 priorities. Also, much credit and thanks should be given to the citizens of Fort Smith for the time they took to attend our meetings and offer their recommendations and ideas for the Future of Fort Smith.

The final plan represents the culmination of an 18 month community-based planning effort to update the City's 2002 Comprehensive Plan. The updated plan is scheduled for adoption by the Planning Commission on December 9th, and will be on the agenda for Board adoption on December 16<sup>th</sup>.

Please contact me if you have any questions.

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# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 24, 2014

**Re:** Rezoning #22-12-14 - A request by Tim Risley and Associates, agent, for Planning Commission consideration of a zone change request from Not Zoned to Planned Zoning District (PZD) by classification at 7000 Chad Colley Boulevard

## **PROPOSED ZONING**

A change in zoning is needed to allow for the development of the Arkansas College of Osteopathic Medicine's future campus and supporting facilities.

## **LOT LOCATION AND SIZE**

The subject property is located on Chad Colley Boulevard between Roberts Boulevard and Fort Smith Boulevard. The tract contains an area of 86.75 acres with approximately 3,410 feet of street frontage along Chad Colley Boulevard and approximately 1,117 feet of street frontage along Frontier.

## **REQUESTED ZONING**

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

Developments that utilize design standards greater than the minimum required by the UDO.

## **EXISTING ZONING**

The property is currently Not Zoned.

## **SURROUNDING ZONING AND LAND USE**

The areas to the north and east are not zoned and are undeveloped.

The area to the south is zoned Industrial Light (I-1) and is developed as Phoenix Metals.

The areas to the west are not zoned and are developed as a warehouse, gymnasium and undeveloped.

## **MASTER LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* classifies this site as Institutional: Technical/Education. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

## **PROJECT BOOKLET**

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes, the site plan details the building locations along with proposed parking lots and areas of existing trees to be saved. Driveways are also defined on the site plan.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes, all traffic will enter and exit the site primarily from Chad Colley Boulevard and Veteran's Avenue. Additional street layout on the west end of the property is unknown at this time.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines that the architectural design standards will comply with the requirements of the UDO and FCRA design guidelines.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The overall plan will be consistent with the design patterns for the Master Street Plan, and Comprehensive Plan and Master Land Use Plan. .**

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- F. The required right-of-way dedication has been identified by the City Engineering Department? **Yes, the right of way dedication if any will be acquired during the platting process.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes, this will be determined during the platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The project is located within a large undeveloped area other than a few small facilities along the west and south side. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to a new internal drive loop. Chad Colley Boulevard and Roberts Boulevard are both classified as Boulevard Streets. No traffic study was required.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the project will meet or exceed the UDO and FCRA requirements by having the following: The buffer areas, screening and landscaping areas. The buildings will increase high quality materials from 51% to 100%. More restrictive land uses than the C-2 zone.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The property is accessible from Chad Colley Boulevard and from Veteran's Avenue.

**Right-of-way dedication** – If any right-of-way dedication is proposed or required it will be resolved with the platting of the property.

**Drainage** – An extensive drainage plan is included with this submittal. It shows multiple detention ponds and underground piping. The drainage plan shall be approved by the city engineering department during building permit review.

**Landscaping & Screening** – The submitted booklet states that the buffer areas, screening and landscaping areas will meet or exceed the City of Fort Smith UDO and FCRA requirements. No plan to review at this time.

**Parking** – The proposed site plan has 434 parking spaces. Not enough information submitted to verify the parking meets or exceeds the minimum parking requirements.

**Signage** – The PZD states that signage will be per City ordinance in general but customized to prohibit highway type billboards and flashing or blinking electronic signage of any type or size. Ground mounted monument signs either back lighted or flooded are encouraged. Façade signage to be per UDO and FCRA guidelines . Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties. Pole signs are prohibited.

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**Sidewalks** – FCRA requires both sides of all streets to have sidewalks. The plan notes a sidewalk along Chad Colley Boulevard. The engineering department will determine if any more side walk construction will be required during the building permit review.

### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses will be compatible with the nearby properties.**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **A traffic study was not required to be submitted. The streets surrounding this property are classified as Boulevard streets and are built for large amounts of traffic.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **The City of Fort Smith is currently extending water and sewer to the property along Chad Colley Boulevard.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO and the FCRA requirements.**

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, December 1, 2014 at the Dallas Street Branch of the Fort Smith Public Library at 8100 Dallas Street. No surrounding property owners were in attendance

Staff recommends approval of this Rezoning based on compliance with the submitted booklet which is enclosed.

**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE PZD  
7000 CHAD COLLEY BOULEVARD  
CHAFFEE CROSSING  
FORT SMITH, ARKANSAS 72916**

**NOVEMBER 14, 2014**

**OWNER:  
THE DEGEN FOUNDATION  
6101 PHOENIX #4  
FORT SMITH, ARKANSAS 72903**

**REPRESENTATIVE:  
TIM A. RISLEY & ASSOCIATES  
#1 CON/ARC PLACE  
6101 PHOENIX  
FORT SMITH, ARKANSAS 72903**

QE

**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE  
PZD APPLICATION  
PROJECT BOOKLET**

- 3a. The subject property is currently not zoned. A change in zoning is needed to allow for the development of the Arkansas College of Osteopathic Medicine, future campus facilities and supporting facilities associated with the campus. A planned zoned district will allow the campus flexibility to accommodate a mixture of buildings/uses. It will allow the development to utilize design standards which meet or exceed the minimum standards required by the UDO and FCRA design guidelines.
- 3b. 

<b>Owner</b> The Degen Foundation 6101 Phoenix Avenue, #4 Fort Smith, AR 72903	<b>Representative</b> Tim A. Risley & Associates Architects & Planners #1 Con/Arc Place 6101 Phoenix Avenue Fort Smith, AR 72903
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- 3c. The PZD will include an area of approximately 86.75 acres located on the northwest side of Chad Colley Boulevard between Roberts Boulevard and Frontier Road in Chaffee Crossing. Proposed uses include medical college buildings, medical clinics, office building and other supporting facilities. The proposed PZD will meet or exceed the design requirements and development standards set forth in the United Development Ordinance, chapters 27-200, 27-500, 27-600 and 27-700 for light commercial zoning and FCRA design guidelines.
- 3d. General Project Scope
- i. Street and lot layout:  
See attached development plan. The primary access to the site is via Chad Colley Blvd. and Veteran's Avenue. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to the new internal ARCOM drive loop. Additional street layout on the west end of the property is unknown at this time.
  - ii. Site plan showing improvements  
See attached site plan sheets C1, C2 and colored site plan.
  - iii. Buffer areas, screening and landscaping areas  
All items will meet or exceed City UDO and FCRA requirements.
  - iv. Storm water detention areas and drainage  
All detention and drainage will comply with UDO requirements. Detention areas are shown on attached sheets C3, C8.
  - v. Undisturbed natural areas  
Several areas shown on the site plan are noted as "existing trees to remain" that wrap around the campus areas. Additional new trees will be added at new parking medians and islands. See attached photo of site work.

- vi. Existing and proposed utility connections and extensions
  - a. New electrical service is to be brought to the site by OG & E.
  - b. The City of Fort Smith will be extending the 12" water and sewer mains along Chad Colley Blvd.
  - c. See Utility Sheet C6.
- vii. Development and architectural design standards
  - a. Design standards are to comply with UDO and FCRA design guidelines subject to approval by authorities to use materials such as integral colored split-face and polished-face CMU units, precast concrete wall panels and architectural metal wall panels (not industrial type).
  - b. All dumpsters will be screened with split face CMU, brick veneer or other acceptable masonry units with opaque wood or metal gates.
  - c. Landscape materials and types will meet the requirements of the UDO and FCRA architectural standards: All buildings in the PZD shall meet the commercial standards of the UDO and FCRA with the following upgraded enhancements.
  - d. 100% of the exterior facades to be of high quality materials.
  - e. Façade elevations regarding massing elements to meet UDO.
  - f. Site/parking area light fixtures to be consistent with those of the College, utilizing poles no higher than 30' and must meet UDO and FCRA lighting guidelines.
  - g. All future building will require the design approval of the Foundation Board.
- viii. Building elevations
  - a. See colored perspectives.
  - b. Future buildings will comply with UDO and FCRA design guidelines.
- ix. Proposed signage (Type and size)
  - a. Signage for the PZD will be per City ordinance in general but customized to prohibit highway type billboards and flashing or blinking electronic signage of any type or size. Ground mounted monument signs either backlighted or flooded are encouraged. Façade signage to be per UDO and FCRA guidelines. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties.
  - b. Pole signs are prohibited.
  - c. Directional signage is allowed but will not count towards allowed signage square footage.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed in three phases.

Phase I: Rough grading and dirt work has already started. Building construction is to start March 1, 2015 and be completed August 1, 2016.

Phase II: Rough grading and dirt work for the building pads has already started. Hopefully the first building of the remaining three will start May 1, 2016. The other buildings are unknown at this time.

Phase III: Unknown at this time.

3f. Identify land use designations  
See attached Exhibit "A".

3g. Identify area and bulk regulations for PZD

- a. Minimum lot size: 1 acre.
- b. Minimum lot width at BSL: 150'.
- c. Maximum lot coverage: 60%.
- d. Maximum height: 55'.
- e. Additional height: Per UDO code.
- f. setbacks:
  - Front: 25'.
  - Side: 10'.
  - Street side/corner: 25'.
  - Rear: 10'.
  - Minimum street frontage: 50'.
  - Minimum building separation: To be determined by current building and fire code.

3h. Comparison chart between the proposed PZD and the Fort Smith C-2 zone.

	<u>Proposed PZD</u>	<u>C-2</u>
• Minimum lot size	1 acre	7,000
• Minimum lot width	150'	50'
• Maximum lot coverage	60%	60%
• Maximum lot height	55'	35'
• Additional height	Per UDO	Per UDO
• Setbacks		
Front	25'	25'
Side	10'	10'
Street side/corner	25'	10'
Rear	10'	10'
Minimum street frontage	50'	30'
Minimum building separation	To be determined by current Building and fire code	

3i. The proposed PZD is much more restrictive than the C-2 zone. It will not allow in general housing of any type, hotels, motels, automotive sales or service, retail/consumer sales or goods, limiting office type and pet or animal services, personal

services, transportation services, amusement or recreational, public safety services and religious institutions. See attached chart showing items allowed in C-2 zone but not PZD.

3j. A chart articulating how the project exceeds the UDO requirements.

- The project will exceed the UDO requirements as follows:
  1. Increase high quality materials from 51% per UDO to 100%.
  2. More restrictive land uses.
  3. Increase of minimum lot size.
  4. Added signage restrictions.
  5. Landscaping.

3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance.

The surrounding area is presently undeveloped. By establishing this PZD zone, we will start with a building of high quality and spacious lots and maintain that image throughout the PZD.

3l. Traffic study not required.

3m. 12" diameter water and sewer mains are being brought to the site by the City of Fort Smith and will run along Chad Colley Blvd. the entire length of the PZD.

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[illegible]

Appendix A

P = Permitted Use, C = Conditional Use, A = Accessory Use	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	L-1	L-2	L-3	Proposed PZD
Auto repair or assembly (salvage parts)																											
Boat or marine craft dealer																											
Car wash - full service																											
Car wash self-service																											
Gasoline service station																											
Motorcycle or ATV sales & service																											
Tire sales																											
Truck stop/travel plaza																											
<b>Heavy Consumer Goods Sales or Service</b>																											
Agricultural equipment and supplies (sales & service)																											
Appliance repair - (Large)																											
Appliance repair (Small)																											
Bus, truck sales and service																											
Clothing and personal items (repair)																											
Commercial industrial machinery & equipment (sales & service)																											
Department store, warehouse club or superstore																											
Computer and software shop																											
Electronics and appliances (new)																											
Electronics and appliances (used)																											
Floor, paint, wall coverings, window treatments																											
Furniture or home furnishings (new)																											
Furniture or home furnishings (used)																											
Furniture repair and upholstery shop																											
Greenhouse (sales)																											
Hardware store																											
Hardware store (neighborhood)																											
Home improvement center																											
Lawn and garden supplies																											
Locksmith																											
Lumber yard and building materials																											
Mall or shopping center																											
Manufactured home and mobile home sales and service																											
Oil and gas equipment (sales and service)																											
Sand, gravel, stone, or earth sales and storage																											
Swimming pool sales and supply store (w/o storage yard)																											
Truck or tractor sales and service facility																											
<b>Durable Consumer Goods Sales or Service</b>																											
Bait and tackle shop																											
Bicycle sales and service																											
Bookstore																											
Bridal shop																											

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## 22

Fort Smith  
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Appendix A

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## 20

P = Permitted Use, C = Conditional Use, A = Accessory Use										Districts
Wood, Paper and Printing Products										
										Cabinet and woodwork shop
										Furniture or home furnishings
										Manufacturing, boxes/containers/corrugated
										Manufacturing, packaging material
										Paper and printing materials
										Wood products manufacturing plant
										<b>Chemicals, Metals, Machinery, and Electronics Mfg.</b>
										Acid manufacturing
										Asphalt or concrete batching plant (permanent)
										Chemicals, plastics and rubber industry
										Electrical equipment, appliance and components mfg.
										Explosives manufacturing
										Foundry or metal-works facility
										Laboratory (manufacturing)
										Machine, welding, or sheet metal shop
										Nonmetallic manufacturing
										Petroleum and coal products
										Pharmaceutical manufacturing
										Refinery
										Tire retreading
										<b>Miscellaneous Manufacturing</b>
										Auto manufacturing
										Barge and ship manufacturing
										Boat manufacturing
										Dolls, toys, games, musical instruments
										Jewelry and silverware
										Manufacturing, batteries
										Manufacturing, fiberglass
										Manufacturing, foam products
										Manufacturing, heavy
										Manufacturing, light
										Manufacturing, medium
										Manufacturing, motors, drives, and generators
										Office supplies
										<b>Wholesale Trade Establishment</b>
										Durable goods
										Electrical, plumbing, heat & air conditioning
										Nondurable goods
										<b>Warehouse and Storage Services</b>
										Auto salvage yard

Appendix A

Districts										Proposed PZD									
P = Permitted Use, C = Conditional Use, A = Accessory Use																			
Building materials salvage yard																			
Bulk petroleum storage																			
Container storage																			
Mini storage warehouse																			
Packaging and distribution center																			
Petroleum distribution facility																			
Portable storage Unit																			
Vehicle storage yard																			
Warehouse																			
Transportation, Communication, Information and Utilities																			
Transportation Services																			
Airport																			
Bus station and terminal																			
Courier and messenger services																			
Ferry boat facility																			
Heliport																			
Limousine service																			
Mail services																			
Marina																			
Motor freight terminal																			
Moving and storage																			
Moving company																			
Pipeline transportation																			
Port facility																			
Rail transportation																			
Taxicab service																			
Communications and Information																			
Commercial communication towers																			
Data processing facility																			
Motion pictures and sound recording studios																			
Printing commercial/industrial																			
Telecommunications and broadcasting studios																			
Utilities and Utility Services																			
Amateur radio transmitting towers																			
Electric power plant																			
Hazardous waste treatment and disposal																			
Incinerator																			
Nuclear power plant																			
Radio, television, and microwave transmitting towers																			
Recycling center																			
Recycling collection station																			

20

Appendix A

P = Permitted Use, C = Conditional Use, A = Accessory Use	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	Proposed PZD
Sanitary landfill																												
Solid waste collection																												
Utility shop, storage yard or building																												
Utility substation																												
Wastewater treatment plant																												
<b>Arts, Entertainment, and Recreation</b>																												
<b>Performing Arts or Supporting Establishments</b>																												
Drive-in theater																												
Movie theater																												
Performance theater																												
Carnival or circus (temporary with permit)																												
Fairground/rodeo ground																												
<b>Museums and Other Special Purpose Recreational Institutions</b>																												
Historical or archaeological institution																												
Museum																												
Zoos, botanical gardens, arboreta																												
<b>Amusement, Sports, or Recreation Establishment</b>																												
Amusement center (indoor)																												
Amusement center (outdoor)																												
Convention/Event center																												
Bingo parlor																												
Casino gaming business																												
Country club																												
Dance hall/night club																												
Private club																												
Race track																												
<b>Fitness, Recreational Sports, Athletic Club</b>																												
Bowling alley																												
Community recreation center																												
Driving range (outdoor)																												
Golf course																												
Pistol Range (Indoor)																												
Health club																												
Fitness studio																												
<b>Indoor Games Facility</b>																												
Miniature golf course																												
Pool hall																												
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																												
Skating rink																												
Sports complex/athletic field																												
Swimming pool																												

22

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Rez. #22-12-14

**PETITION FOR CHANGE IN ZONING MAP**

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

(see attached)

2. Address of property: 7000 Chad Colley Chaffee Crossing, Fort Smith, AR

3. The above described property is now zoned: Not Zoned

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

Property is not zoned. Property needs to be zoned for new Osteopathic College  
and surrounding future development.

Signed:

Tim A. Risley and Associates

Owner or Agent Name

(please print)

6101 Phoenix Ave

#1 Con/Arc Place

Fort Smith, AR 72903

Owner or Agent Mailing Address

\_\_\_\_\_  
Owner

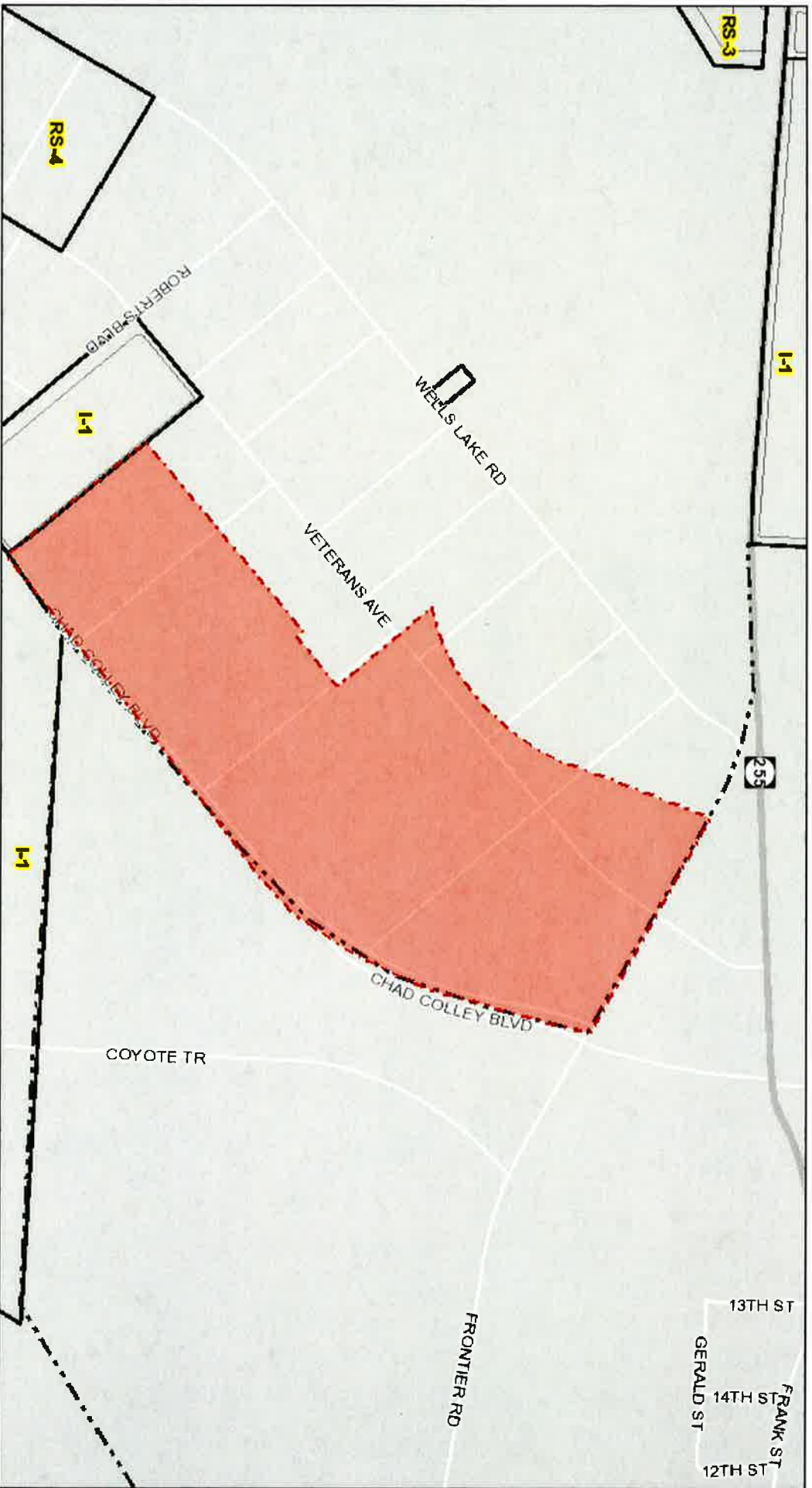
or

Spring B. Hall  
Agent

21

# Rezoning #22-12-14: From Not Zoned to Planned Zoning District (PZD) 7000 Chad Colley Boulevard

22

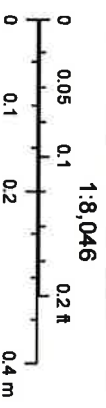


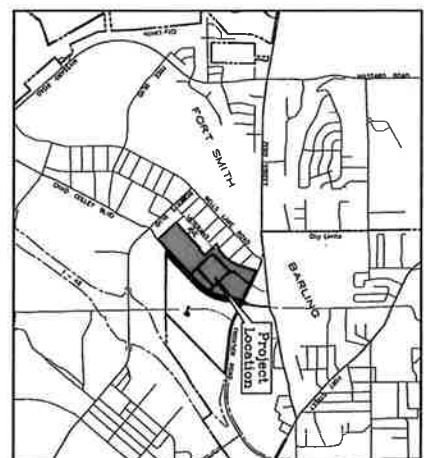
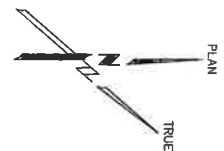
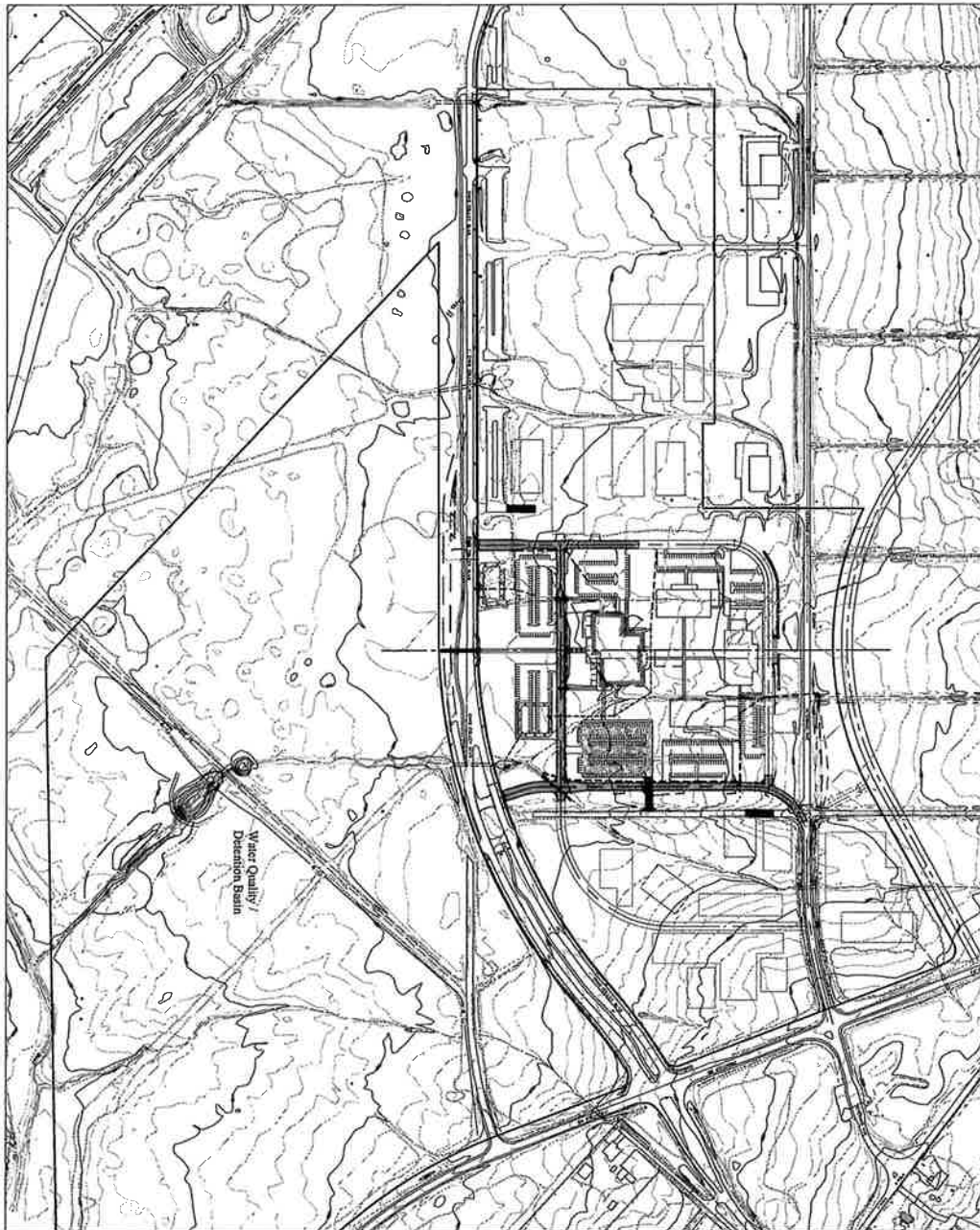
November 19, 2014

Fort Smith City Limits

Zoning

Subdivisions





Vicinity Map  
Scale 1"=2000'

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**INDEX**

- C1. Vicinity Map & Index
- C2. Overall Grading Plan North
- C3. Overall Grading Plan South
- C4. Erosion Control Details
- C5. Horizontal Control
- C6. Utility Layout
- C7. Sewer Profile: Water & Sewer Details
- C8. Overall Grading
- C9. Campus Grading Plan North
- C10. Campus Grading Plan South
- C11. Street & Drainage Layout - North
- C12. Street & Drainage Layout - South
- C13. Storm Drain A & B Profiles
- C14. Storm Drain C & D Profiles
- C15. Detention Basin Plan & Cross Sections
- C16. Detention Basin Structure
- C17. Detention Basin Details
- C18. Road Section Details
- C19. Road A & Road C Profiles
- C20. Road B Profile
- C21. Striping & Signage Plan
- C22. Bus Stop Layout & Details
- C23. Drop Off Lane
- C24. Intersection Detail - Roads A & B At Chad Colley
- C25. General Details
- C26. Drainage Area Map

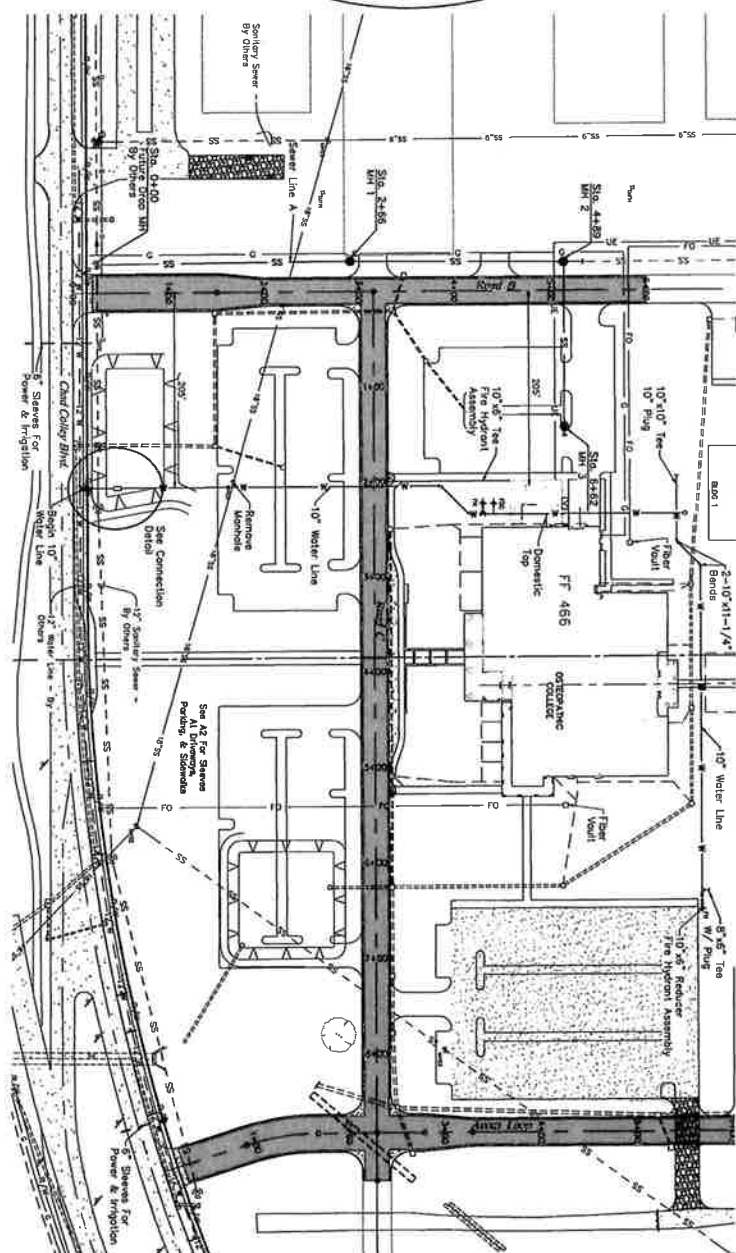
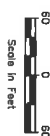
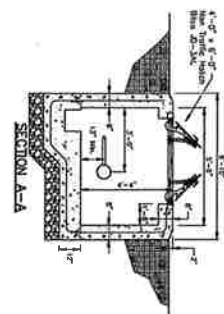


**VICINITY MAP & INDEX**  
**ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE**  
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

**TIM A. RISLEY & ASSOCIATES**  
ARCHITECTS AND PLANNERS  
811 CONNOR PLACE • 6501 PHOENIX • FORT SMITH, ARKANSAS • 72903  
PHONE: 479-452-2626 • FAX: 479-452-3095 • EMAIL: info@timariskey.com

**NICOLE WAGNER COLEMAN**  
Engineers-CrossSection-Surveyors  
3024 Country Club Ave.  
P.O. Box 1007  
Fort Smith, Arkansas  
(479) 649-9441  
info@nwcoleman.com

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TRUE

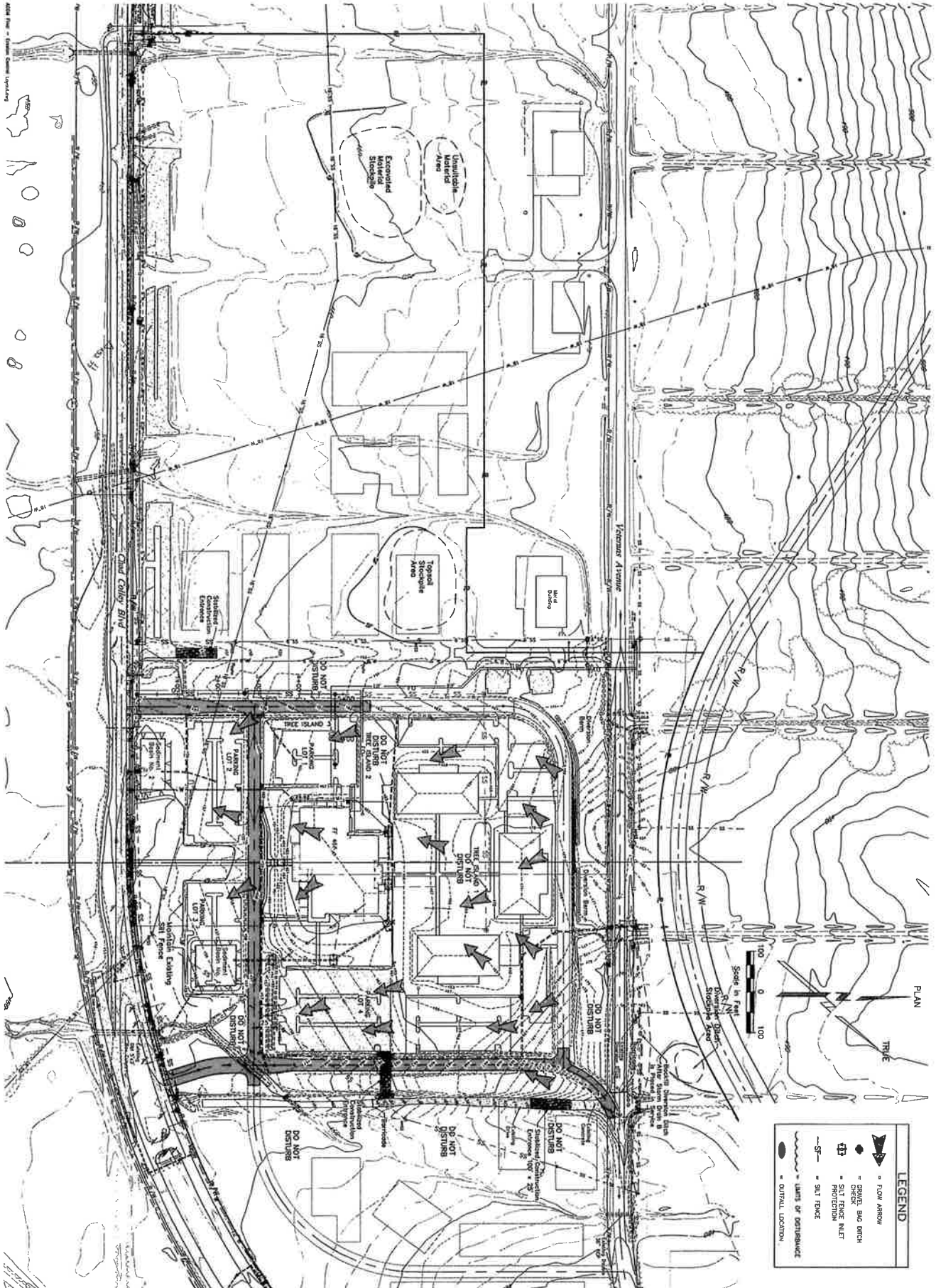
ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE  
CHAFFEE CROSSING, FORT SMITH, ARKANSAS



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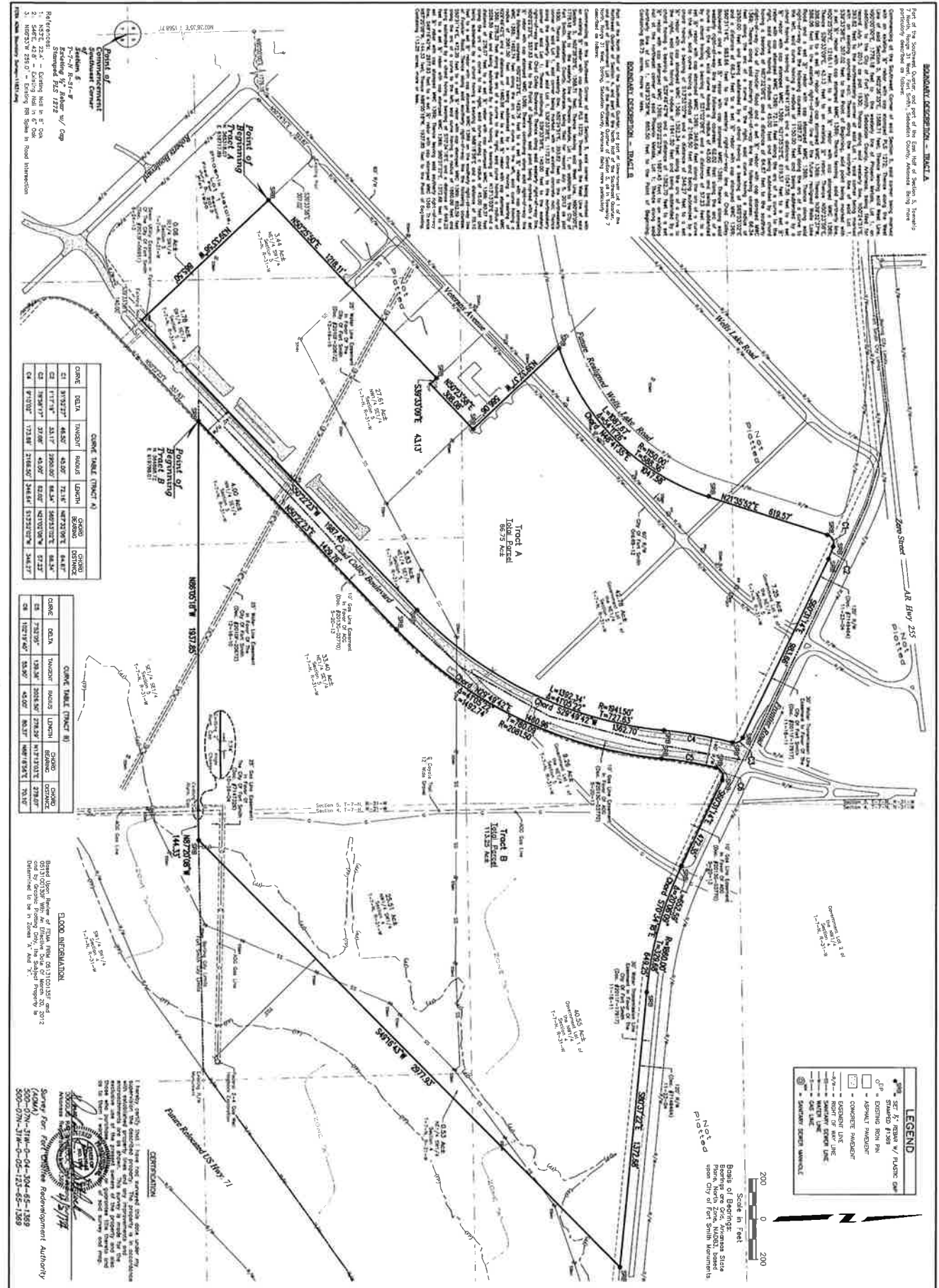
Arkansas College of Osteopathic Medicine  
Chaffee Crossing, Fort Smith, Arkansas

**EROSION CONTROL LAYOUT**  
**ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE**  
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

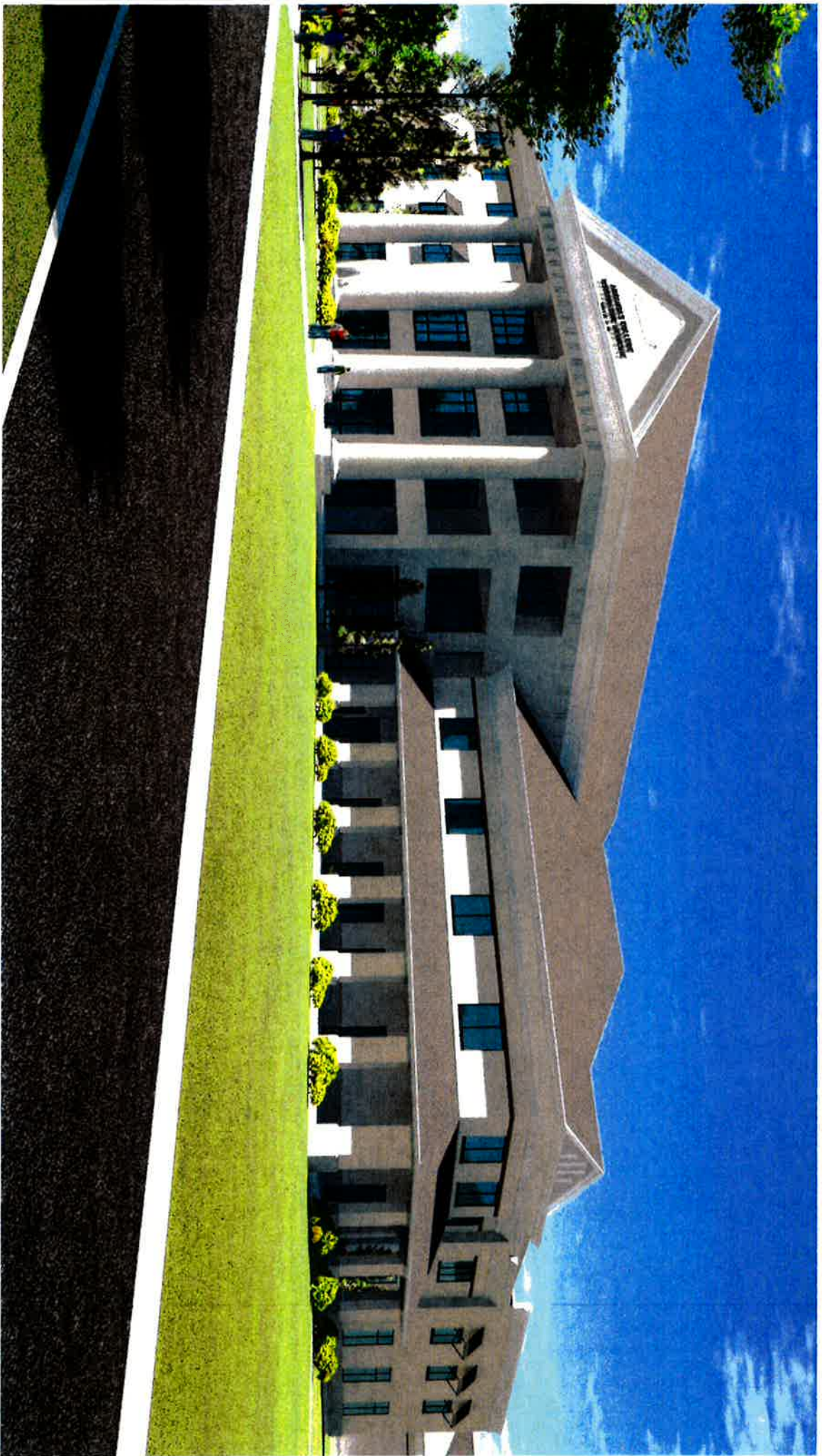
**TIM A. RISLEY & ASSOCIATES**  
ARCHITECTS AND PLANNERS  
81 CONANT PLACE • 6101 PLYMOUTH • FORT SMITH, ARKANSAS 72303  
PHONE: 479.452.2634 • FAX: 479.452.2635 • EMAIL: info@timarisbury.com

**MICHAEL WACHNER COLEMAN**  
2424 Sawyer Oaks Ave.  
Fort Smith, Arkansas 72303  
Phone: (479) 452-4444  
Fax: (479) 452-4444  
michael@wachnercoleman.com

22

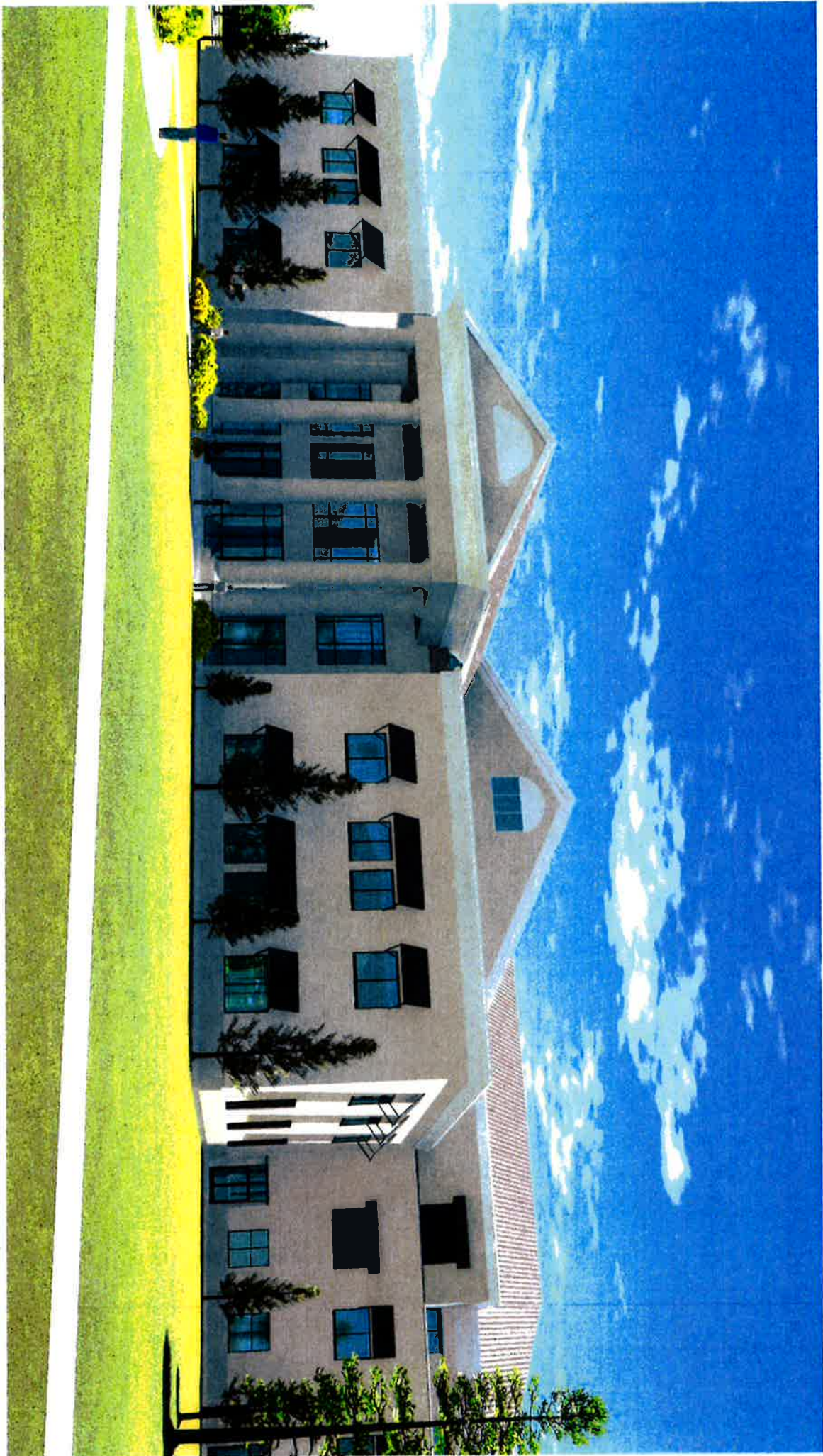






22-2



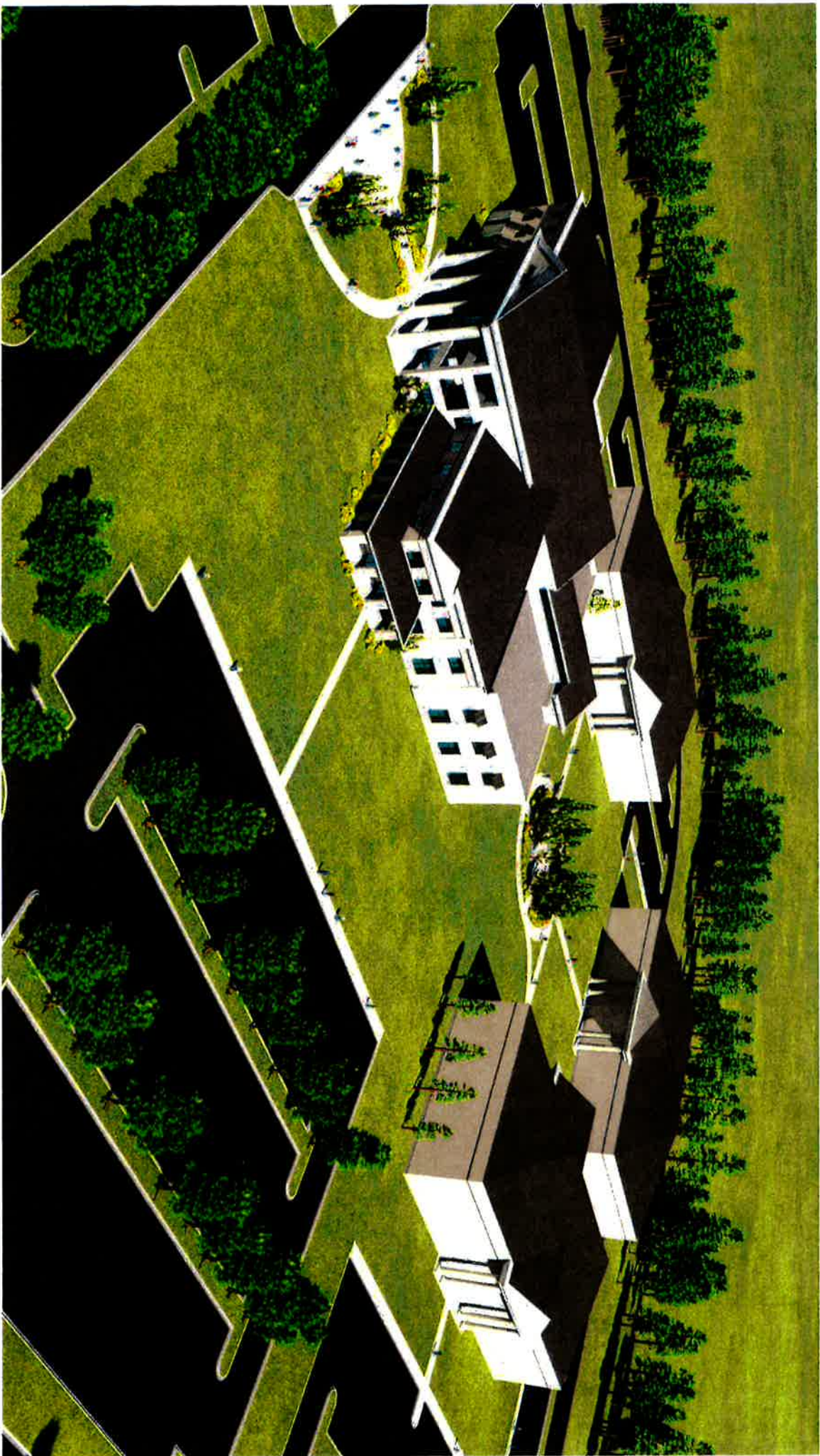






22-4



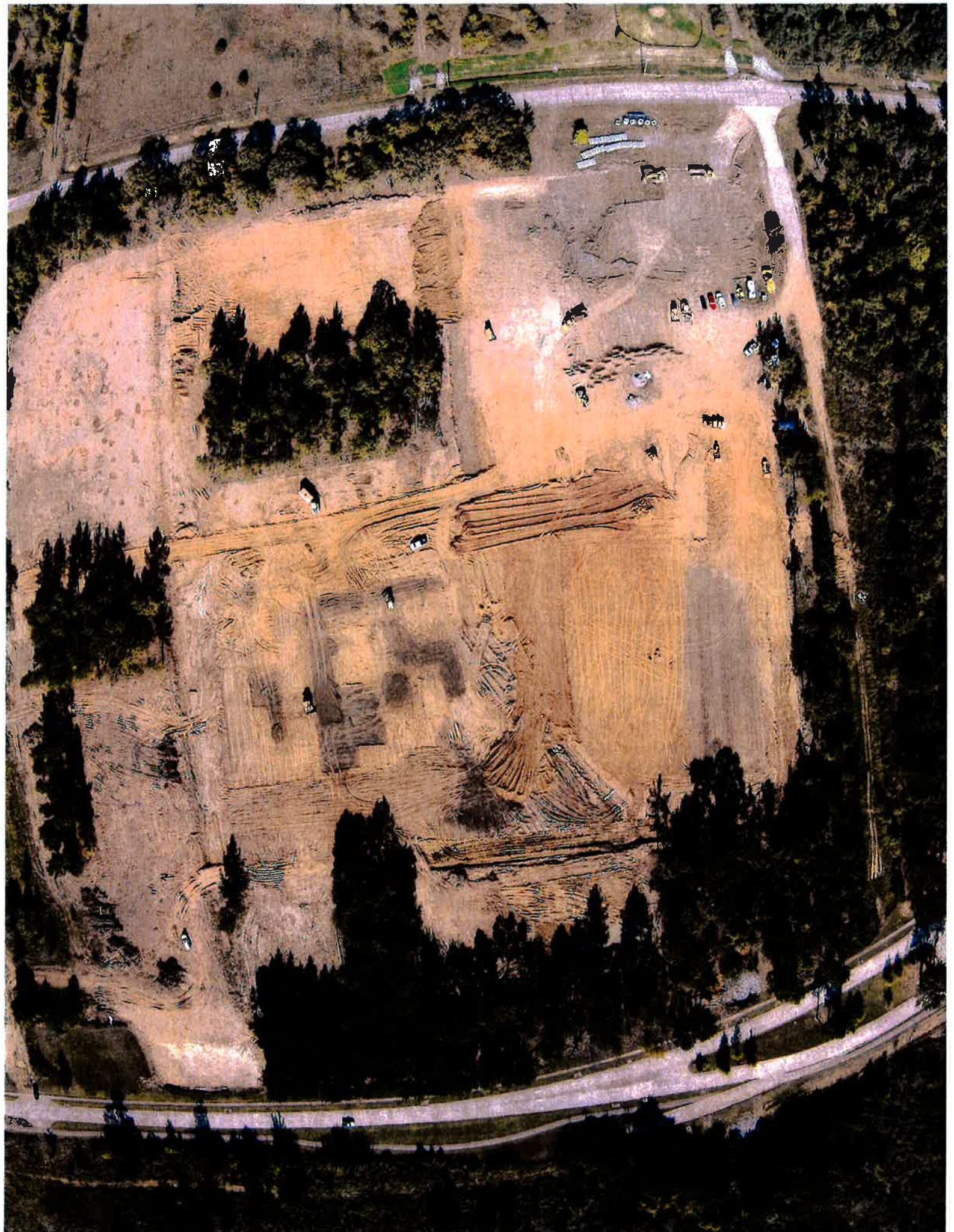


22-5











## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Proposed Master Land Use Plan Amendment by Patrick Mickle, agent for Arvest Bank, at 11808 US Highway 71 from ETJ Neighborhood Commercial to General Commercial (Companion to item #4)

The Planning Department is in receipt of an application from Patrick Mickle, agent, to amend the Master Land Use Map from ETJ Neighborhood Commercial to General Commercial to accommodate a proposed zoning request #23-12-14. The subject property is on the west side of US Highway 71 at the intersection with Marion Lane (private road). The tract contains an area of 3.50 acres with approximately 404 feet of street frontage along US Highway 71 and approximately 357 feet of street frontage along Marion Lane.

The Master Land Use Plan amendment and rezoning requests are being made in conjunction with a petition to annex this property.

The property is currently zoned as ETJ Open-1. A companion zoning application requests a zoning district of Commercial Moderate (C-3). The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

### **ADJACENT LAND USE CLASSIFICATIONS AND USES**

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as ETJ Neighborhood Commercial and is developed as a mobile home sales business.

The area to the east is classified as Residential Detached and is developed as a commercial.

The area to the south is classified as ETJ Neighborhood Commercial and is undeveloped.

The area to the west is classified as ETJ Neighborhood Commercial and is undeveloped.

### **PROPOSED LAND USE**

The proposed Land Use classification of General Commercial is described as follows:

3A

To provide opportunities for business transactions and activities, and meet the consumer needs of the community.

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

- |  |     |
|--|-----|
| • Compatible with and complimentary to surrounding uses.   | YES |
| • Located on high volume arterials and collectors  | YES |
| • Located as a cluster of like services  | YES |
| • Accessible by most modes of transportation   | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

**MASTER LAND USE PLAN COMPLIANCE**

The existing Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides for areas in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies US Highway 71 as a Boulevard.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday December 1, 2014 at Rye Hill Baptist Church (11512 Old Highway 71). No neighboring property owners attended the meeting.

Based on compatibility with surrounding land use classifications and land uses, staff recommends approval of the application contingent upon approval of the companion zoning application and the Board of Directors approval of the petition to annex.

3B



## Application Type

☒ Minor Amendment    ☐ Standard Amendment    ☐ Major Amendment  
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☒    Request to Amend Text ☐

Applicant Name: Patrick Mickle, P.E.

Firm Name: Mickle Wagner Coleman, Inc.

Address: P.O. Box 1507, Fort Smith, AR 72902

Phone # (day): 479-649-8484    Phone # (cell):    Fax #: 479-649-8486

Owner Name: Arvest Bank

Owner Address: 5000 Rogers Avenue, Fort Smith, AR 72902

Phone # (day):    Phone # (cell):    Fax #:

Property Address (subject property): 11808 Hwy 71 South

### **Subject Property**

Current Land Use: Branch Bank

Existing MLUP Classification: ETJ Neighborhood Commercial

Proposed MLUP Classification: General Commercial

Existing Zoning Classification: ETJ Open-1

Proposed Zoning Classification: Commercial Moderate (C-3)

### **Surrounding Property**

Current Land Use: north- Mobile Home Sales

south- Vacant

east- Commercial

west- Residential

Existing MLUP Classification: north: ETJ Neighborhood Commercial

south: ETJ Neighborhood Commercial

east: Residential Detached

west: ETJ Neighborhood Commercial

Existing Zoning Classification: north: ETJ O-1

south: ETJ O-1

east: Commercial-5

west: ETJ O-1

Pre-Application Meeting Date: October 30, 2014

30

**For a Minor, Standard or Major Master Land Use Plan Amendment,** please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).  
Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See property exhibit.
3. The area dimensions of the property in square feet or acres. 3.50 acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Property is developed as a branch bank. The property fronts on US Hwy 71 which is a four lane divided highway. There is a gravel private drive along the northern side of the property. No new roads are proposed.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

A City of Fort Smith 12" water line and 10" sewer line exists along the property frontage. A petition for annexation into the Fort Smith has been filed. Police & fire will be by City of Fort Smith.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

The property is developed as a branch bank.

7. Identify any known or anticipated environmental concerns:

Annexing into the City will enable connection to the City's sewer system. This will enable retirement of the current private sewer treatment facility.

**For a Standard or Major Master Land Use Plan Amendment only**, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of: None – property is already developed.

a. Describe potential changes to development patterns in terms of local and regional impacts:

None anticipated. Property is on a major highway with commercial development to the north, east, and south.

b. Describe the consistency in zoning between existing and planned uses:

The Fort Smith zoning to the east is Commercial-5. This use will be less intense. Property to the north is zoned ETJ O-1, is being utilized as a mobile home sales facility, and is in a Neighborhood Commercial Land Use designation. Property to the south and west are zoned ETJ O-1 but have a Neighborhood Commercial Land Use designation.

c. Provide explanation of the need for and demand in the proposed uses:

This is an existing use – a branch bank.

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

With Hwy 71 as a major entry corridor into Fort Smith, commercial development will continue. Traffic may decrease in the near future with the opening of I-49, but will rebound both from commuter traffic and the highway's access to Fort Smith; southern industrial use.

**For a Comprehensive Plan-Text Amendment only,** please attach the following information. Provide answers on a separate sheet and attach it to this application:

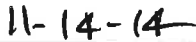
1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as “track changes”) format. N/A
2. A description of the reasons supporting the amendment and the special circumstances requiring the change: N/A

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

  
\_\_\_\_\_  
Signature (Agent/Owner)

  
\_\_\_\_\_  
Date

---

**The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.**

---

## **AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

### **NAMES OF ALL OWNERS.**

1. ARVEST BANK
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
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### **SIGNATURE OF ALL OWNERS.**

Patrick Mickle, President

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*This form is necessary only when the person representing this request does not own all property.*

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If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

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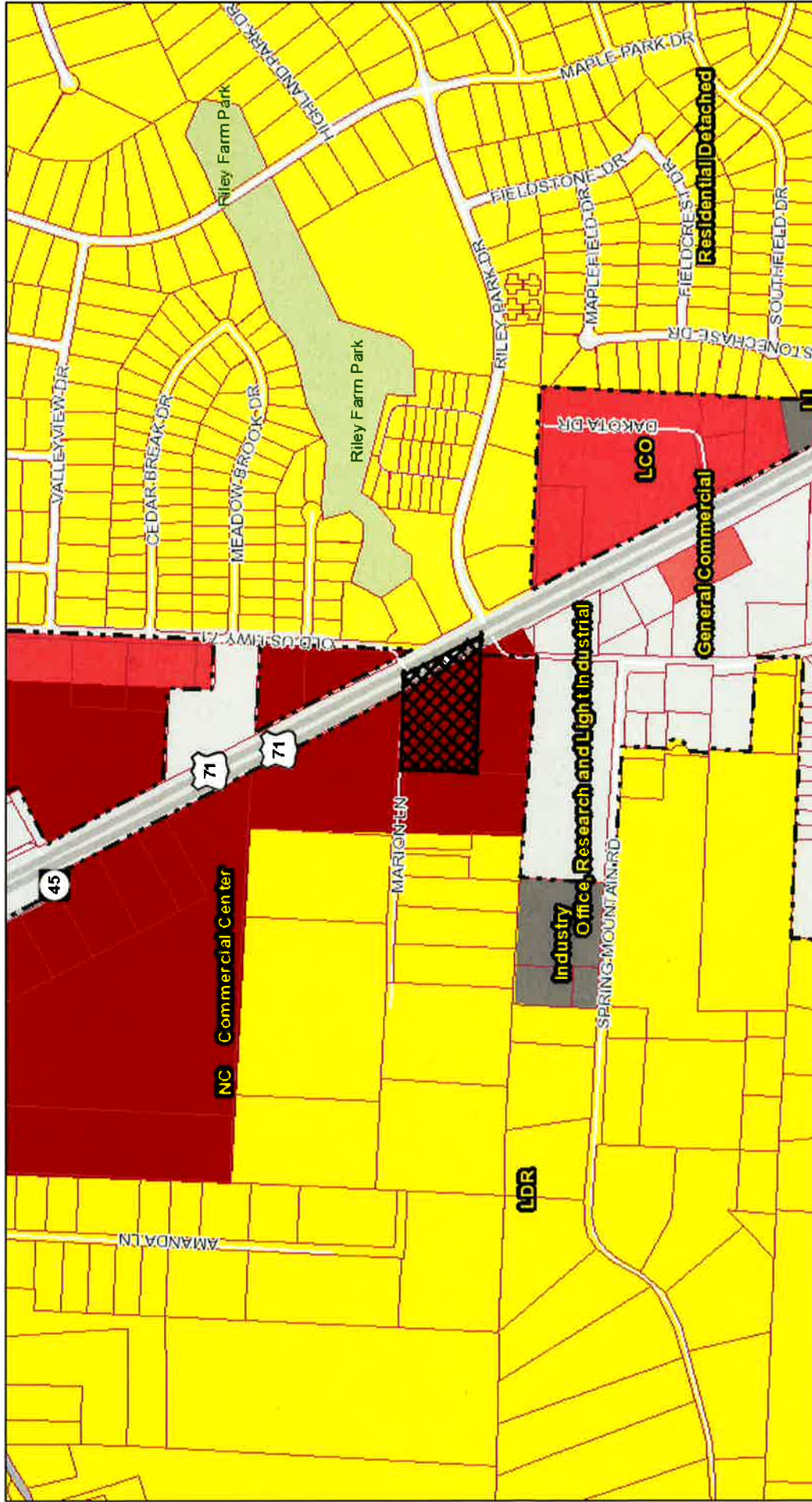
### **SIGNATURE OF ALL OWNERS.**

Patrick Mickle, President

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*This form is necessary only when the person representing this request does not own all property.*

# Master Land Use: From ETJ Neighborhood Commercial to General Commercial 11808 US Highway 71



November 19, 2014

Fort Smith City Limits

Parcels

Commercial

35





Vicinity Map

ARVEST BANK

Scale 1"=200'



BEING A PART OF THE NE 1/4 SE 1/4, SECTION 23, T-7-N, R-32-W  
SEBASTIAN COUNTY, ARKANSAS.

TOTAL ACRES = 7.06 ACRES

Stock Options: 157,700 shares

Plot Cabinet B.358

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #23-12-14 - A request by Patrick Mickle, agent for Arvest Bank, for Planning Commission consideration of a zone request from ETJ Open-1 to Commercial Moderate (C-3) by classification at 11808 US Highway 71 (Companion to item #3)

## **PROPOSED ZONING**

The requested zoning will facilitate a request by the property owner to annex the property into the City of Fort Smith.

## **LOT LOCATION AND SIZE**

The subject property is on the west side of US Highway 71 at the intersection with Marion Lane (private road). The tract contains an area of 3.50 acres with approximately 404 feet of street frontage along US Highway 71 and approximately 357 feet of street frontage along Marion Lane (private road).

## **REQUESTED ZONING**

The proposed zoning on this tract is Commercial Moderate (C-3).  
Characteristics of this zone are as follows:

### **Purpose:**

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

**Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 12,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 60,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – 2 acres	
Minimum Lot Width – 75 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

**EXISTING ZONING**

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1).  
Characteristics of this zone are as follows:

**Purpose:**

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

**Permitted Uses:**

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

**Conditional Uses:**

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned ETJ Open-1 and developed as commercial.

The area to the east are zoned Commercial Heavy (C-5) and are developed as commercial.

The area to the south is zoned ETJ Open-1 and undeveloped.

The area to the west is zoned ETJ Open-1 and undeveloped.

## **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification is established to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

The proposed Master Land Use Plan amendment to General Commercial will facilitate the rezoning request.

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, December 1, 2014 at Rye Hill Baptist Church (11512 Old Highway 71). No neighboring property owners attended the meeting

The Fort Smith Fire Department requires installation of a fire hydrant as part of the annexation process.

Based on compatibility with surrounding zoning districts and land uses, staff recommends approval of this request subject to approval of the Master Land Use Plan amendment and the Board of Directors approval of the petition to annex this property.

**PETITION FOR CHANGE IN ZONING MAP**

Rez. #23-12-14

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999

2. Address of property: 11808 Hwy 71 South
3. The above described property is now zoned: ETJ O-1
4. Application is hereby made to change the zoning classification of the above described property to C-3 (Commercial Moderate) by Classification.  
(Extension or classification)
5. Why is the zoning change requested?  
The property is being annexed and thus needs a zone designation.
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name~~  
(please print)

Owner

P.O. Box 1507, Fort Smith, AR 72902  
~~Owner or Agent Mailing Address~~

or  
Patricia M. Mckenzie  
Agent

479-649-8484  
~~Owner or Agent Phone Number~~

40

## **AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

### **NAMES OF ALL OWNERS.**

1. ARVEST BANK
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### **SIGNATURE OF ALL OWNERS.**

Patrick Mickle, President

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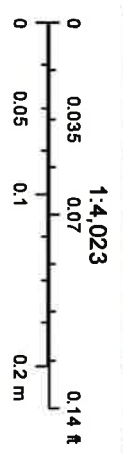
# Rezoning #23-12-14: From ETJ Open-1 to Commercial Moderate (C-3) 11808 US Highway 71

47



November 19, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints





# ARVEST BANK ZONING MAP



November 14, 2014

Fort Smith City Limits

Zoning

Subdivisions

Parcels



## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Proposed Master Land Use Plan Amendment by Kelly Wilson, agent, at 12934 Old Highway 71 from ETJ Neighborhood Commercial to ETJ Light Industrial (companion to item #6)

The Planning Department is in receipt of an application from Kelly Wilson, agent, to amend the ETJ Master Land Use Map from ETJ Commercial Neighborhood to ETJ Light Industrial to accommodate a proposed zoning. The subject property is on Old Highway 71 just south of the intersection of Mine 18 Road. The tract contains an area of 3 acres with approximately 194 feet of street frontage along Old Highway 71 and approximately 249 feet of street frontage along Mine 18 Road.

The property is currently zoned ETJ Open-1. A companion zoning application requests an ETJ Industrial Light zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### **ADJACENT LAND USE CLASSIFICATIONS AND USES**

Land Use classification and use contiguous to the subject lot are as follows:

The areas to the north are zoned Neighborhood Commercial and are developed as a warehouse and undeveloped property.

The areas to the east are zoned Neighborhood Commercial and are undeveloped.

The areas to the south are zoned Neighborhood Commercial and are undeveloped.

The areas to the west are zoned Low Density Residential and are developed as single family residences.

### **PROPOSED LAND USE**

The proposed Master Land Use classification of ETJ Light Industrial is described as follows:

This zone is established to provide light manufacturing, research technology, processing, storage, wholesaling and distribution under high environmental performance standards. Commercial and service uses in support of industrial uses are also permitted.

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

- |  |     |
|--|-----|
| • Compatible with and complimentary to surrounding uses.   | YES |
| • Located on high volume arterials and collectors  | YES |
| • Located as a cluster of like services  | YES |
| • Accessible by most modes of transportation   | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

**EXISTING MASTER LAND USE**

The ETJ Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides for areas in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application.

The property is part of a subdivision known as Triangle Park. This development is more an industrial park than neighborhood services.

### Application Type

☐ Minor Amendment    ☐ Standard Amendment    ☐ Major Amendment  
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☐ Request to Amend Text ☐

Applicant Name: <u>BESHEADS CONSTRUCTION</u>	
Firm Name: <u>BESHEADS CONSTRUCTION</u>	
Address: <u>12934 Old Hwy 71 S.</u>	
Phone # (day): <u>479-646-0846</u>	Phone # (cell): <u>479-926-8305</u> Fax #: <u>479-646-7120</u>
Owner Name: <u>EDDY &amp; KATHRYN BESHEADS LIVING TRUST</u>	
Owner Address: <u>12934 Old Hwy. 71 S.</u>	
Phone # (day): <u>479-646-0846</u>	Phone # (cell): <u>479-926-8305</u> Fax #: <u>479-646-7120</u>
Property Address (subject property): <u>12934 Old Hwy. 71 S.</u>	
<b>Subject Property</b>	
Current Land Use:	<u>CONTRACTOR SHOP</u>
Existing MLUP Classification:	<u>ETJ NEIGHBORHOOD COMMERCIAL</u>
Proposed MLUP Classification:	<u>ETJ LIGHT INDUSTRIAL</u>
Existing Zoning Classification:	<u>ETJ OPEN 1</u>
Proposed Zoning Classification:	<u>ETJ INDUSTRIAL LIGHT</u>
<b>Surrounding Property</b>	
Current Land Use:	north- <u>CONTRACTOR SHOP</u>
	south- <u>VACANT / UNDEVELOPED</u>
	east- <u>VACANT / UNDEVELOPED</u>
	west- <u>RESIDENTIAL</u>
Existing MLUP Classification:	north: <u>ETJ NEIGHBORHOOD COMMERCIAL</u>
	south: <u>ETJ</u> " "
	east: <u>ETJ</u> " "
	west: <u>ETJ LOW DENSITY RESIDENTIAL</u>
Existing Zoning Classification:	north: <u>ETJ OPEN 1</u>
	south: <u>ETJ OPEN 1</u>
	east: <u>ETJ OPEN 1</u>
	west: <u>ETJ OPEN 1</u>
Pre-Application Meeting Date: <u>11/5/2024 via Phone w/ M. RICE</u>	

**For a Minor, Standard or Major Master Land Use Plan Amendment**, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).  
LOT ONE, TRIANGLE PARK
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.  
SEE ATTACHED SURVEY
3. The area dimensions of the property in square feet or acres.  
SEE ATTACHED SURVEY
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

NO CHANGE TO EXIST'G ROADS

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

NO CHANGE TO EXIST'G UTILITIES

FS WATER, AOG, PARK VALLEY ELECTRIC, SEPTIC SYSTEM

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

NO CHANGE TO EXIST'G

7. Identify any known or anticipated environmental concerns:

NONE KNOWN

**For a Standard or Major Master Land Use Plan Amendment only,** please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

- a. Describe potential changes to development patterns in terms of local and regional impacts:

NO POTENTIAL CHANGES

- b. Describe the consistency in zoning between existing and planned uses:

NO CHANGES IN USE

- c. Provide explanation of the need for and demand in the proposed uses:

NO CHANGES IN USE, JUST CHANGE IN ZONING REQUESTED.

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

NO CHANGES FORESEEN BY OWNER, PLAN ON USING PROPERTY FOR SAME USE IN FUTURE.

**For a Comprehensive Plan-Text Amendment only**, please attach the following information. Provide answers on a separate sheet and attach it to this application:

N/A

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

**AUTHORIZATION OF AGENT**

5E

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

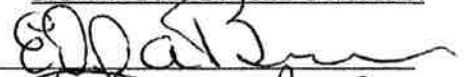
We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize KELLY WILSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. EDDY BESHEARS

  
Kathryn A Beshears

2. KATHRYN BESHEARS

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

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10. \_\_\_\_\_

*This form is necessary only when the person representing this request does not own all property.*

Certification

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I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.



11/12/2024

Signature (Agent/Owner)

Date

---

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

---



# Master Land Use: From ETJ Neighborhood Commercial to ETJ Light Industrial 12934 Old Highway 71

HS



November 19, 2014

Fort Smith City Limits

- Commercial
- Commercial Neighborhood



Neal S. Wagner  
Reg. Professional Land Surveyor  
Arkansas No. 154

## Date . . . . .

Chairman  
Secretary

FILED FOR RECORD this Day of .....  
19... at ..... O'clock .. M.  
..... Clerk and Ex-Officio Recorder  
by .....

[illegible]

**ALLOTTERS:** John Williams & Eddie Butcher

STATE OF ARKANSAS  
COUNTY OF SEBASTIAN: Sworn and subscribed by me  
this ..... Day of .....  
Notary Public .....  
My Commission Expires .....

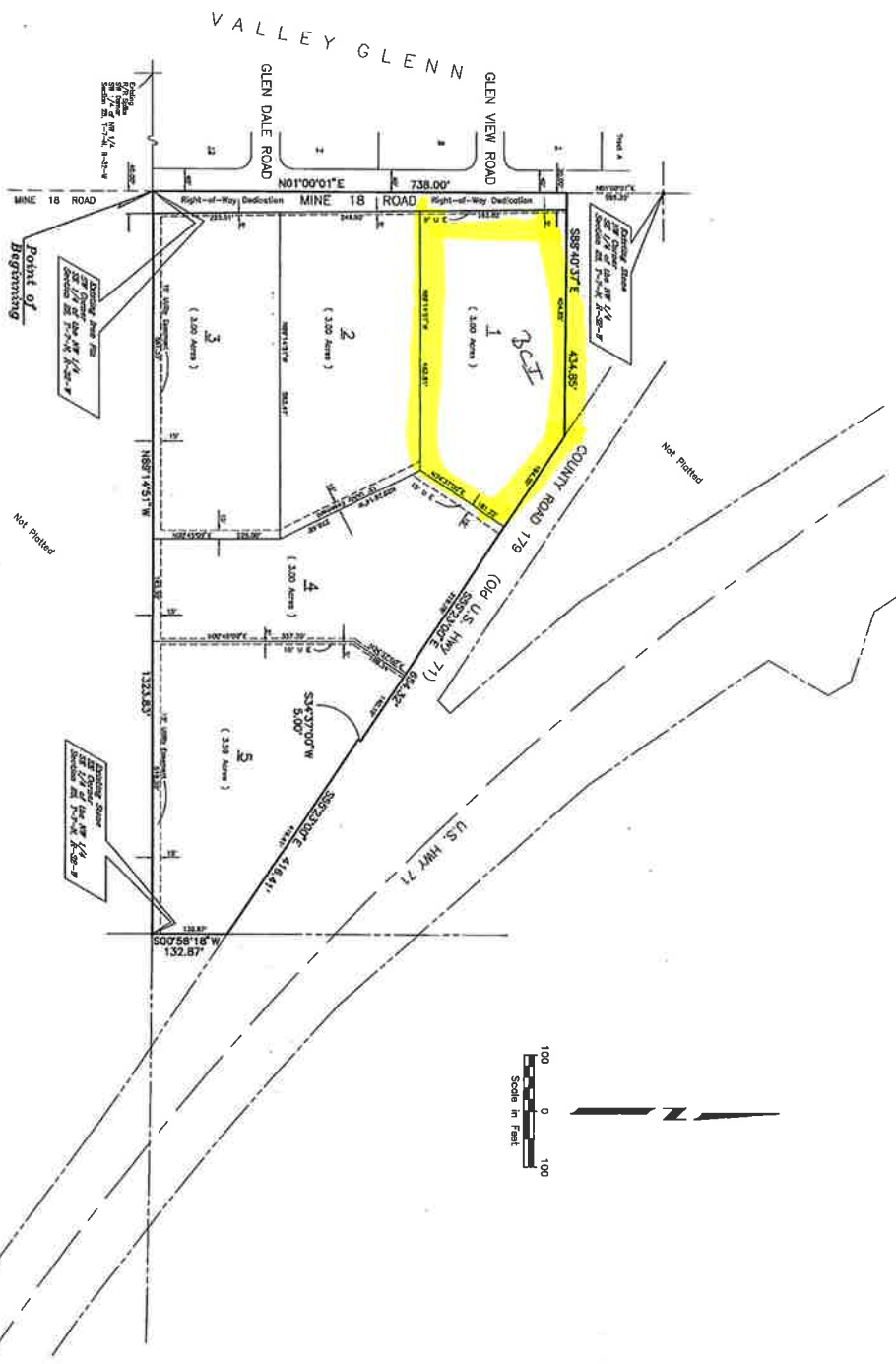
## Legend

BSL	Building Subhook Line	_____
UE	Utility Easement	_____
Drg Easmt	Drivage Easement	_____
SS Easmt	Sanitary Sewer Easement	_____
R/W	Right-of-Way	_____ R/W _____

NO

1.  $1/2$  lbs. Fung 3rd At Property Owners.
2. At Edge of my Return Road 25.0.
3. At Entrance along Curves are Chord Distances (Unless Otherwise Noted).

## Boundary description

[illegible]

# OLD HIGHWAY 71 ADDITION

A part of the SE 1/4 of the NW 1/4 of Section 25, T-7-N, R-32-W  
Fort Smith, Sebastian County, Arkansas

01/07/10, 07:00

PLOTTED MAR 05 1971

**MICKLE-WAGNER-COHEMAN, INC.**

**Engineers Surveyors Consultants**  
P.O. Box 1507 Fort Smith, Arkansas

Scale: 1" = 100' February, 1997

Readings based on AETD phones

**Owner and Developer**  
**JOHN WILLIAMS**  
8220 Hwy 271 South  
Fort Smith, Arkansas 72903

**Owner**  
**EDDIE BESHARS**  
5028 South 36th Street  
Fort Smith, Arkansas 72904

## Rezoning

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #24-12-14 - A request by Kelly Wilson, agent, for Planning Commission consideration of a zone request from ETJ Open-1 to ETJ Industrial Light (I-1) by classification at 12934 Old Highway 71 (Companion to item #5)

### **PROPOSED ZONING**

The owners are requesting to rezone the property to reflect how the area developed. This property is the location of Beshears Construction and is in use as a contractor's shop and storage yard.

### **LOT LOCATION AND SIZE**

The subject property is on Old Highway 71 just south of the intersection of Mine 18 Road. The tract contains an area of 3 acres with approximately 194 feet of street frontage along Old Highway 71 and approximately 249 feet of street frontage along Mine 18 Road.

### **REQUESTED ZONING**

The proposed zoning on this tract is Extraterritorial Jurisdiction Industrial Light (I-1). Characteristics of this zone are as follows:

#### **Purpose:**

To provide for a mix of light manufacturing uses, office park, research and development, and limited retail/service uses in an attractive, business park setting. Industrial light may be used as a transition between mixed use or commercial uses and heavier industrial uses. I-1 zoning is appropriate in the light industrial classification of the ETJ land use map.

#### **Permitted Uses:**

Car wash, various auto related businesses, convenience store, agricultural equipment, hardware, home centers, lawn and garden, lumber yard and building materials, heating and plumbing equipment, grocery store and financial institutions are examples of permitted uses.

6A

### **Conditional Uses:**

Automobile storage, truck stop, medical laboratory, snack or nonalcoholic bar, café, automobile parking, recycling drop-off, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

### **Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet
Minimum Lot Width at Setback Line – 100 feet	Maximum Lot Coverage - 75%
Minimum parcel/lot size – 2 acres	
Minimum Street Frontage – N/A	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Side/Rear Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Required street access: Major Arterial or higher	

### **EXISTING ZONING**

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1).  
Characteristics of this zone are as follows:

#### **Purpose:**

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

#### **Permitted Uses:**

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

#### **Conditional Uses:**

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

### **SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned ETJ Open-1 and are developed as a warehouse and undeveloped property.

6B

The areas to the east are zoned ETJ Open-1 and are undeveloped.

The areas to the south are zoned ETJ Open-1 and are undeveloped.

The areas to the west are zoned ETJ Open-1 and are developed as single family residences.

#### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The land use classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas. A companion Master Land Use Plan application requests to change the Master Land Use from ETJ Neighborhood Commercial to ETJ Light Industrial.

#### **STAFF COMMENTS AND RECOMMENDATIONS**

In 2003, all properties in the ETJ were given an Open-1 zoning district as a placeholder until development occurs that required a zoning change. Existing land uses were permitted to continue as nonconforming uses.

Staff recommends approval of this request contingent upon the approval of the companion Master Land Use Plan Amendment.

6C

Rez. # 24-12-14

**PETITION FOR CHANGE IN ZONING MAP**

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lot 1 of Triangle Park

2. Address of property: 12934 Old Highway 71 South, Fort Smith, AR 72916

3. The above described property is now zoned: ETJ OPEN 1

4. Application is hereby made to change the zoning classification of the above described property to ~~ETJ~~ Industrial Light ~~11~~ by Classification.  
(Extension or classification)

5. Why is the zoning change requested?

Anticipating annexation into City of Fort Smith, business  
operates as a construction firm with a yard.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

KELLY WILSON

Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

PO Box 6297, Fort Smith, AR  
Owner or Agent Mailing Address

\_\_\_\_\_  
or  
Kelly Wilson  
Agent

479-646-0846  
Owner or Agent Phone Number

60

## 6E



## Fort Smith City Limits

## Zoning

## Subdivisions







## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Proposed Master Land Use Plan Amendment by Brandon Woodrome, agent for Ben David, LLC, from Open Space and Office, Research & Light Industrial to Neighborhood Commercial located at 3101-3225 Phoenix Avenue. (Companion to item #7)

The Planning Department is in receipt of an application to amend the Master Land Use Map from Open Space and Office, Research & Light Industrial to Neighborhood Commercial to accommodate a proposed Planned Zoning District (PZD) zoning request. The subject property is on the north side of Phoenix Avenue between South 31<sup>st</sup> Street and South 34<sup>th</sup> Street. The tract contains an area of 4.13 acres with approximately 700 feet of street frontage along Phoenix Avenue and 530 feet of street frontage along South 31<sup>st</sup> Street.

The property is currently zoned Residential Multi-Family Medium Density (RM-3). A companion zoning application requests a Planned Zoning District. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Office, Research and Light Industrial and is the undeveloped.

The area to the east is classified as Office, Research and Light Industrial and is developed as General Office for the Arkansas Oil and Gas Commission.

The area to the south is classified as Open Space and is developed as single family residences.

The area to the west is classified as Open Space and Residential Detached and is developed as single family residences.

7A

**The proposed Land Use classification of Neighborhood Commercial is described as follows:**

The *Neighborhood Commercial* land use classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

**Characteristics and Use:**

These areas are small in scale and designed to meet the immediate needs of people living or working within a half-mile radius. Ice cream, coffee shops, movie rentals, specialty retail, small grocery, drug store, and personal & professional services are appropriate. Parking is limited, and drive-thru is prohibited.

**Criteria for Designation:**

**Compliance Noted**

- |  |     |
|--|-----|
| • Located on a collector or arterial   | YES |
| • Land area generally surrounded by residential type uses, but may occur within large employers or students  | YES |
| • Parcels of less than an acre would not be classified as NC unless designed as a complex of compatible goods and services for a pedestrian environment. | YES |

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Phoenix Avenue as a Major Arterial and South 31<sup>st</sup> Street as a local road.

**STAFF COMMENTS AND RECOMMENDATIONS**

The applicant has held two neighborhood meetings. The first meeting was held on Tuesday, September 30<sup>th</sup> at 5:30 P.M. at 3201 Rogers Avenue with three neighboring property owners in attendance. One property owner voiced his opinion that he was not in favor of the proposed change. A letter from that property owner requesting that the planning commission deny the companion rezoning is enclosed.

The second neighborhood meeting was held on Thursday October 9, 2014 at 3201 Rogers Avenue. This meeting was attended by nine property owners. No objections were expressed at this meeting. A copy of the attendance records and meeting summaries are enclosed.

Additionally if the Planning Commission is inclined to approve this change Staff recommends the approval be contingent upon the following:

1. Approval of the companion rezoning application and any Planning Commission amendments.

7B

## Application Type

☒ Minor Amendment   
 ☐ Standard Amendment   
 ☐ Major Amendment  
 (See Section 27-328-5 C. (Criteria))

Request to Amend Map    ☐   
 Request to Amend Text    ☐

Applicant Name: <u>Brandon Woodrome</u>		
Firm Name: <u>Behr, LLC</u>		
Address: <u>PO Box 2771</u>		
Phone # (day): <u>479-242-4663</u>	Phone # (cell): <u>479-883-0957</u>	Fax #: <u>479-242-0735</u>
Owner Name: <u>Ben David</u>		
Owner Address:		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property): <u>NE corner S. 31<sup>st</sup> + Phoenix Ave.</u>		
<b>Subject Property</b>		
Current Land Use: <del>vacant</del> - <u>gas well / vacant</u>		
Existing MLUP Classification: <u>Open Space - Office, Research + Light Industrial</u>		
Proposed MLUP Classification: <u>Neighborhood Commercial</u>		
Existing Zoning Classification: <u>RM-3</u>		
Proposed Zoning Classification: <u>P2D</u>		
<b>Surrounding Property</b>		
Current Land Use: north- <u>Vacant</u>		
south- <u>Single + Multi-Family dwellings</u>		
east- <u>Oil + Gas Commission</u>		
west- <u>Single Family dwellings</u>		
Existing MLUP Classification: north: <u>Residential Detached + Research + Light Industrial</u>		
south: <u>Open Space + Residential <del>Detached</del> Attached</u>		
east: <u>Open Space + Research + Light Industrial</u>		
west: <u>Open Space + Residential Detached</u>		
Existing Zoning Classification: north: <u>RS-2 + RS-3</u>		
south: <u>RM-3</u>		
east: <u>T</u>		
west: <u>RS-3</u>		
Pre-Application Meeting Date:		

**For a Minor, Standard or Major Master Land Use Plan Amendment,** please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

7C

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

See Plan & PZD Booklet

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

See Plan & PZD Booklet

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

See PZD Booklet

7. Identify any known or anticipated environmental concerns:

None to my knowledge

**For a Standard or Major Master Land Use Plan Amendment only,** please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

7D

- a. Describe potential changes to development patterns in terms of local and regional impacts:

N/A

- b. Describe the consistency in zoning between existing and planned uses:

N/A

- c. Provide explanation of the need for and demand in the proposed uses:

N/A

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

N/A

**For a Comprehensive Plan-Text Amendment only,** please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

**AUTHORIZATION OF AGENT**

7E

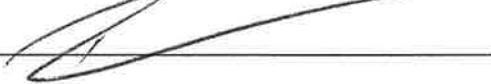
If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Brandon Woodrome to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

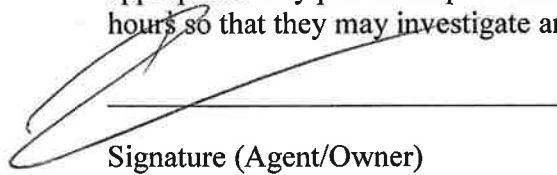
1. Ben David 
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

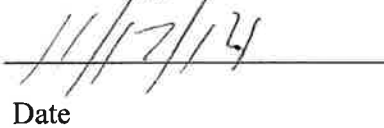
*This form is necessary only when the person representing this request does not own all property.*

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

  
\_\_\_\_\_  
Signature (Agent/Owner)

  
\_\_\_\_\_  
Date

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The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

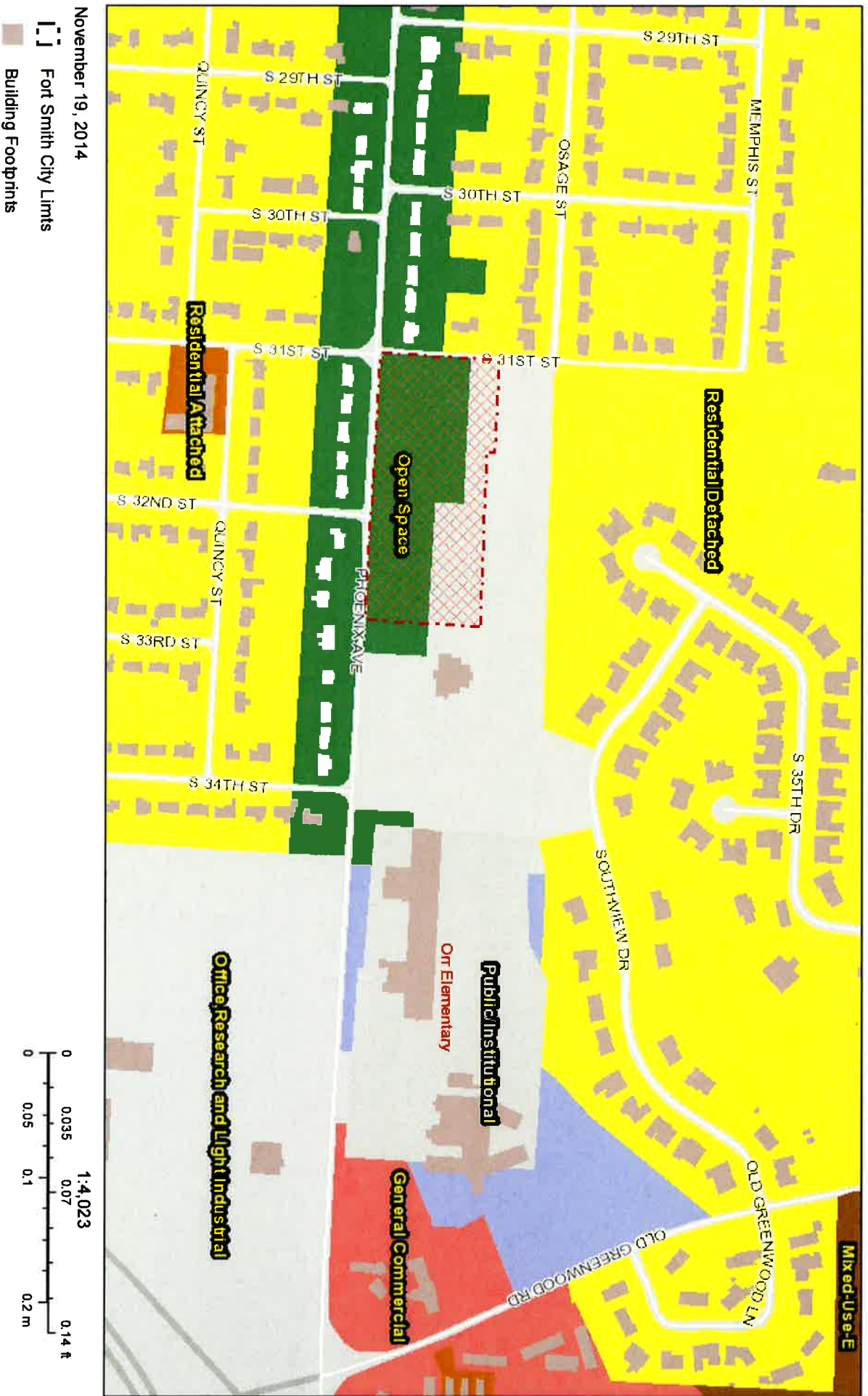
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# Master Land Use: From Open Space & Office, Research & Light Industrial to Neighborhood Commercial

## 4613 South 31st Street & 3101, 3201 and 3225 Phoenix Avenue



3024 Osage St.  
Fort Smith, AR 72901  
Cell: 479-831-9400  
December 1, 2014

Fort Smith Planning Commission  
c/o Wally Bailey, Director of Planning/Zoning  
623 Garrison Avenue  
Fort Smith, AR 72901

**RE: Strip Mall Rezoning at W. Phoenix & 31st Street**

Dear Members of the Planning Commission:

I am writing to ask that you reject the requested rezoning of the property at W. Phoenix Ave. and 31st Street from residential to commercial (via planned zoning district) for the construction of a dry-cleaning strip mall and restaurant.

Allowing the commercial development of a dry-cleaning strip mall and restaurant in the middle of our well-established residential neighborhood is completely unnecessary and would have a very negative impact on the hundreds of Fort Smith residents who live in our neighborhood.

Please reject this inappropriate request for a rezoning to put a restaurant and strip mall in our neighborhood. Thank you.



Mike Newman

71



9.11.2014

BEHR LLC  
PO Box 2771  
Fort smith, AR 72913

RE: Rezoning Part of the NE1/4 of the NW1/4 of Section 34,  
Township 8 North, Range 32 West, Fort Smith, Sebastian County Arkansas.

Dear Property Owner:

We are planning to get the South Half of the above property rezoned to a Planned Zoning District (PZD) to allow for the new construction of a Restaurant, Strip Mall, Hair Salon, and Clinic located to the NE of the intersection of South 31<sup>st</sup> Street and Phoenix Ave. The North half will remain RM-3.

In order to better inform surrounding property owners of the plans to rezone this property, and to answer any questions regarding the rezoning of this property, a meeting has been scheduled for 5:30 p.m. to 6:30 p.m. Tuesday, September 30, 2014, in the Community Room located on the first floor of the Fort Smith Public Library located at 3201 Rogers Ave., Fort Smith, AR 72903.

Sincerely,

BEHR LLC

Brandon Woodrome

## Neighborhood Meeting Summaries

### September 30<sup>th</sup>

On September 30th a neighborhood meeting was held to discuss the proposed zone change at 31st and Pheonix acreage. At the meeting Mike Newman of the attendees was the only one to speak. He expressed concern that the property would "ruin" the neighborhood. To try to find some common ground I arranged to have second meeting to try to accomodate his concerns.

### October 9<sup>th</sup>

The follow up meeting was held on Oct 9th. While Mike Newman did not show to further discuss, several other residents did. There were no concerns expressed just clarifying questions about the development.

### ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Public Library

Meeting Time & Date 5:30 Sept 30th

Meeting Purpose Neighborhood meeting

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Mike Newman	3024 Osage St.	479-831-9400 (M)
2.	Tyler Miller	City of Fort Smith	479-784-2241
3.	Hien Phung		479-712/481
4.	Huy Phung		
5.			
6.			
7.			
8.			
9.			
10.			
11.			

### ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Public Library

Meeting Time & Date 4pm 10/9

Meeting Purpose Neighborhood meeting #2

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Bartholomew</u>	<u>4906 S. 27<sup>th</sup> St.</u>	<u>479.652.7490</u>
2.	<u>Lee Prince</u>	<u>3023 Memphis St.</u>	<u>479.522-1197</u>
3.	<u>Heather Woodruff</u>	<u>4110 Seminole Circle</u>	<u>479.883.1430</u>
4.	<u>Daytona Richardson</u>	<u>4906 S. 27<sup>th</sup> St.</u>	<u>479.652.7560</u>
5.	<u>Betsy Davis</u>	<u>4301 50 31<sup>st</sup></u>	<u>479.353.2900</u>
6.	<u>Don Harris</u>	<u>4301 50 31<sup>st</sup></u>	<u>479.353.2901</u>
7.	<u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>479.784.2241</u>
8.	<u>Carlos Cruz</u>	<u>4805 S. 27<sup>th</sup></u>	<u>479-926.2124</u>
9.	<u>Ashley Cruz</u>	<u>4805 S. 27<sup>th</sup></u>	<u>479-926.6687</u>
10.	<u>Lorrie Robinson</u>	<u>5009 S. 30<sup>th</sup></u>	<u>479-926.0100</u>
11.	_____	_____	_____

7M

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #25-12-14 - A request by Brandon Woodrome, agent for Ben David, LLC, for Planning Commission consideration of a zone request from Residential Multi-Family Medium Density (RM-3) to a Planned Zoning District (PZD) located at 3101-3225 Phoenix Avenue.

## **PROPOSED ZONING**

The proposed Planned Zoning District will allow a three-lot development that will include a restaurant, medical clinic, a six-unit strip center, and hair salon.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of Phoenix Avenue between South 31<sup>st</sup> Street and South 34<sup>th</sup> Street. The tract contains an area of 4.13 acres with approximately 700 feet of street frontage along Phoenix Avenue and 530 feet of street frontage along South 31<sup>st</sup> Street.

## **REQUESTED ZONING**

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.



## SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multi-family Medium Density (RM-3) and is the undeveloped.

The area to the east is zoned Transitional (T) and is developed as General Office for the Arkansas Oil and Gas Commission.

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and is developed as single family residences.

The area to the west is zoned Residential Single Family Medium/High Density (RS-3) and is developed as single family residences.

## MASTER LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as *Open Space and Office, Research & Light Industrial*. The Open space classification is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments.

The *Office, Research & Light Industrial* classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

A companion Master Land Use Plan amendment to change the land use to *Commercial) Neighborhood Compatible* has been submitted in conjunction with the rezoning request. The commercial neighborhood classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

## PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes. The site plan provides the parking space calculations in compliance with the proposed land uses. Internal drives shown provide accessibility to all parking areas. Green space consisting of islands and open areas placed throughout the site plan.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Two ingress and egress points will be located on Phoenix Avenue which is classified as a Major Arterial with a third drive located on South 31<sup>st</sup> Street.**

8B

- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines on page 3 Section 3D (vii) that the architectural design standards will exceed the requirements set forth by the UDO Section 27-602-4(C) of the design standards for Transitional and Commercial buildings.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No right-of-way dedication is required for the PZD.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **All easements to accommodate city requirements as well as franchise utilities will be reviewed during the platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the Project Booklet's traffic information – item 3L. The Engineering Department has determined that a traffic study must be submitted that encompasses the PZD area, as well as the area to the north if development is planned for that site. The traffic study must be submitted to the city's engineering for review and approval prior to development.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) . **Please refer to item 3j of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The development will include two proposed driveways on Phoenix Avenue and one proposed driveway on South 31<sup>st</sup> Street.

**Right-of-way dedication** – No new right-of-way dedication is proposed or required at this time.

**Drainage** – The site plan shows a note for a detention pond located toward the center of the development adjacent to Phoenix Avenue. The basin shall be approved by the city engineering department prior to building permit submittal. A detailed drainage plan shall be submitted for review and approval by the engineering department prior to development.

**Landscaping & Screening** – The project booklet states that all landscaping and screening requirements will comply with the Unified Development Ordinance.

**Parking** – The proposed site plan has 140 parking spaces and exceeds the UDO requirements for minimum parking spaces.

**Signage** – The project booklet states that all wall signs and the two monument signs shown on the submitted site plan adjacent to Phoenix Avenue will comply with the Transitional Zoning District signage regulations. Additionally, the project booklet states that no illuminated signage will face South 31<sup>st</sup> Street.

**Sidewalks** – Phoenix Avenue and part of South 31<sup>st</sup> Street have existing sidewalks. Continuation of the sidewalk on South 31<sup>st</sup> Street adjacent to the PZD is required

### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan and Comprehensive Plan. If the Planning Commission is inclined to approve the PZD and Master Land Use Plan Amendment then the use will be compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed development is compatible with the surrounding neighborhood.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The proposed permitted uses will allow such uses as restaurant, medical clinic, and a variety of neighborhood retail uses. Please refer to the PZD's proposed land uses in the project booklet – Appendix A. It is noted that Appendix A proposes "day care center" and churches, synagogue, temple, mosque" as permitted uses in the PZD. Both of these uses are allowed as conditional uses in the zoning districts in which they are allowed due to potential impacts to surrounding properties (noise and parking space demands).**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **The PZD has a section of traffic information provided showing that the proposed development will increase the traffic on Phoenix Avenue moderately. This information has been reviewed by the city's engineering department. A traffic study must be submitted to the engineering department prior to development that encompasses the PZD as well as the area north of the PZD if future development is planned for that site.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that

would mitigate these adverse impacts. **The existing utilities and services are within the facilities vicinity to accommodate the uses.**

- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with all Unified Development Ordinance requirements in Sections 27-200, 27-500, 27-600 and 27-700 as outlined in the project booklet.**

#### **STAFF COMMENTS AND RECOMMENDATIONS**

The applicant has held two neighborhood meetings. The first meeting was held on Tuesday September 30, 5:30 P.M. at 3201 Rogers Avenue with three neighboring property owners in attendance. One property owner voiced his opinion that he was not in favor of the rezoning and development. A letter from that property owner requesting that the planning commission deny the rezoning is enclosed.

The second neighborhood meeting was held on Thursday October 9, 2014 at 3201 Rogers Avenue. This meeting was attended by nine property owners. No objections were expressed at this meeting. A copy of the attendance records and meeting summaries are enclosed.

The enclosed project booklet appears to comply with the minimum requirements of the UDO. If the Planning Commission is inclined to approve the PZD, staff recommends the approval be contingent upon the following:

1. Approval of the companion rezoning application and any Planning Commission amendments.
2. A detailed drainage plan shall be submitted for review and approval by the city's Engineering Department prior to development.
3. A traffic study shall be submitted to the city's Engineering Department prior to development that encompasses the PZD area as well as the area north of the PZD if future development is planned for that site.

RE # 25-12-14

**PETITION FOR CHANGE IN ZONING MAP**

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

*See attached.*


2. Address of property: \_\_\_\_\_
3. The above described property is now zoned: RM-3
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?

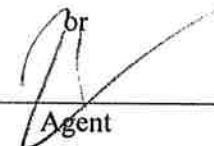
To allow the development of a site that features a  
restaurant, a medical clinic, commercial retail.

Brandon Woodrome  
Owner or Agent Name  
(please print)

5311 South 28<sup>th</sup> St. Fort Smith  
Owner or Agent Mailing Address

Signed:

  
\_\_\_\_\_  
Owner

  
\_\_\_\_\_  
Agent

8F



**SURVEY DESCRIPTION:**

**PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 32 WEST, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID NE ¼ NW ¼; THENCE S 03°11'08" W, ALONG THE WEST LINE OF SAID NE ¼ NW ¼, 283.87 FEET TO A SET IRON PIN; THENCE S 87°25'37" E LEAVING SAID WEST LINE OF NE ¼ NW ¼ 21.35 FEET TO A SET IRON PIN MARKING THE POINT OF BEGINNING; THENCE S 87°25'06" E, 231.80 FEET; THENCE S 03°16'04" W 18.72 FEET; S 86°52'23" E, 447.58 FEET; THENCE S 03°16'06" W, 260.00 FEET TO A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PHOENIX AVENUE; THENCE N 86°52'23" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 656.55 FEET; THENCE N 35°16'41" W, 23.56 FEET TO A SET IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET; THENCE N 03°26'10" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET, 51.87 FEET TO A SET IRON PIN; THENCE N 02°41'26" E CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET, 206.53 FEET TO THE POINT OF BEGINNING CONTAINING 4.13 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD.

**SHEEPS GATE  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: SHEEPS GATE  
AN ADDITION TO THE CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: PART OF THE NE/4 OF THE NW/4 OF  
SECTION 34, TOWNSHIP 8 NORTH, RANGE 32 WEST  
SEBASTIAN COUNTY, ARKANSAS**

**DEVELOPER: BEHR, LLC  
5311 SOUTH 28<sup>TH</sup> STREET  
FORT SMITH, ARKANSAS 72901  
PHONE: 479-883-0957**

**SUBMITTED TO: CITY OF FORT SMITH  
623 GARRISON AVENUE  
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.  
P.O. BOX 6180  
FORT SMITH, ARKANSAS 72906**

**NOVEMBER, 2014**

8H

**SHEEPS GATE  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.**

The subject property is currently zoned RM-3. A change in zoning is needed to allow the development of a site that features a restaurant, a medical clinic, commercial retail, and services that may be accommodated in multi-use structures. A Planned Zoning District will allow flexibility in standards to accommodate a mixed use development rather than suburban style patterns. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

**3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.**

Ben David, LLC

**3c. Summary description of the scope, nature, and intent of the proposal.**

The PZD will include an area of approximately 4.13 acres located on the northern side of Phoenix Avenue and the eastern side of south 31<sup>st</sup> Street. The adjoining property to the north will remain RM-3. The property to the east is the Oil and Gas Commission. The property to the west and south are residential homes. The intent is to provide a site that features a restaurant, a medical clinic, commercial retail, and services that may be accommodated in multi-use structures.

**3d. General project scope:**

**i. Street and lot layout**

See attached Development Plan.

The primary access to the site is Phoenix Avenue which is classified by the Master Street Plan as a major arterial. It is currently four lanes with a center turning/merging lane.

Three entrances will be provided to the site:

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31<sup>st</sup> Street.

**ii. Site plan showing proposed improvements**

See attached Site Plan.

**iii. Buffer areas, screening, and landscaping**

Buffer areas and landscaping will follow City UDO requirements. A copy of the Landscape Management Plan is included in this booklet.

#### PZD Landscaping

Perimeter landscaping, parking lot screening, and landscaping for vehicular use areas will comply with UDO landscaping requirements. The parking lot screening/perimeter landscaping will also consist of flowers in addition to the required plant materials.

#### iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

#### v. Undisturbed natural areas

No undisturbed natural areas are proposed.

#### vi. Existing and proposed utility connections and extensions

See Site Plan for proposed locations to tie into existing utilities.

#### vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines.

#### viii. Building elevations

All buildings adjacent to Phoenix Avenue will face Phoenix Avenue. Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards".

100% high-quality materials will be used on the front and sides, with 65% high-quality on the rear facades.

#### ix. Proposed signage (type and size)

All stand-alone signage will be monument signage and will comply with the monument sign requirements for the Transitional zoning district in Section 27-704-2 of the UDO.

Wall signage will comply with the wall signage requirements for the Transitional zoning district in Section 27-704-2 of the UDO.

Billboards are prohibited.

Illuminated signage facing South 31<sup>st</sup> Street is prohibited.

**3e. Proposed development phasing and timeframe**

The development is proposed to be constructed in four Lots as shown on the Development Plan drawing.

Lot one construction is to begin January 1, 2015 and be completed by August 1, 2015.

Lot two construction is to begin November 1, 2015 and be completed by July 1, 2016.

Lot three construction is to begin May 1, 2016 and be completed by January 1, 2017.

Lot four construction is to begin January 1, 2017 and be completed by September 1, 2017.

All dates are approximate.

**3f. Identify land use designations**

The current land use is “Open Space”, and “Office, Research and Light Industrial.” See attached Master Land Use Plan Amendment Application.

**3g. Identify area and bulk regulations**

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	0.89 acres
Min. Lot Width at BSL	150 feet
Max. Lot Coverage	60%
Max. Height	55 feet
Addnl. Height	see 27-404 D. of the UDO

Setbacks	
Front	25 feet
Side	10 feet
Street side/corner	30 feet
Rear	30 feet
Minimum Street Frontage	150 feet
Minimum Bldg. Separation	comply with City building and fire code.



**3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Comparison is between the proposed PZD restrictions and the RM-3 restrictions.

	PZD	RM-3
Density	12 DU/Acre	20 DU/Acre
Min. Lot Size	0.89 acres	6,500 sq. ft.
Min. Lot Width at BSL	150 feet	60 feet
Max. Lot Coverage	60%	65%
Max. Height	55 feet	40 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO
Setbacks		
Front	25 feet	25 feet
Side	10 feet	7.5 feet
Street side/corner	30 feet	15 feet
Back	30 feet	30 feet
Minimum Street Frontage	150 feet	20 feet
Minimum Bldg. Separation	comply with City building and fire code.	

**3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See attached - PZD Permitted Land Uses vs. Existing Zone Designations.

**3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

**1. Landscaping**

The perimeter landscaping strip across the front will be 10 feet wide

UDO requires 10 feet wide

Perimeter landscaping will include one tree and 10 shrubs every 40 feet -

UDO requires one tree and 10 shrubs every 50 feet

Building landscaping will include 3 trees per acre in addition to parking & perimeter landscaping

UDO does not require building landscaping

Parking Lot Screening and Landscaping will comply with UDO section 27-602-3, with additional flowers

UDO does not require flowers

2. Setbacks will be as follows:

Front	25 feet
Side	10 feet
Street side/corner	30 feet
Rear	30 feet
Minimum Street Frontage	150 feet
Minimum Bldg. Separation	comply with City building and fire code.

UDO setbacks vary with the several zoning designations. The proposed setbacks meet or exceed the required setbacks for most zoning designations.

3. Exterior building materials

100% high-quality materials will be used on the front and sides, with 65% high-quality on the rear facades.

UDO requires only 51% high-quality materials.

4. The PZD has limited potential land uses that are compatible with the surrounding area; therefore, the PZD exceeds the UDO requirements by setting new limitations for land use that would otherwise be permissibly under the current zoning restrictions.

**3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The residential property to the north will retain a natural vegetation buffer. To our knowledge, this approximate 30 foot deep tree line will remain unchanged, meaning it will remain as is. The vegetation buffer is contingent, engineering requirements may alter the existing buffer; however, no such alterations are expected at this time.

The property to the east is the location of the Oil and Gas Commission, variations in architectural design and materials should not result in an objectionably conflicting appearance. There should be no conflicts in regard to signage. Oil and Gas Commission traffic peaks will not coincide with daily traffic peaks from the development.

Phoenix Avenue (approximately 70 foot wide right of way) separates the Site from the property to the south which consist of single and multi-family dwellings.

With all structures complying with City of Fort Smith design guidelines with respect to architectural design and materials, there should not be any noticeably objectionable conflicts in appearance. There should be no conflicts in regard to signage due to the fact that the development signs will be on the opposite site of Phoenix Avenue. Residential traffic peaks will not coincide with daily traffic peaks from the development.

South 31<sup>st</sup> Street separates the Site from the property to the west which consist of single and dwellings. With all structures complying with City of Fort Smith design guidelines with respect to architectural design and materials, there should not be any noticeably objectionable conflicts in appearance. Residential traffic peaks will not coincide with daily traffic peaks from the development.

**3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The primary access to the site is Phoenix Avenue which is classified by the Master Street Plan as a major arterial. It is currently four lanes with a center turning/merging lane. Three entrances will be provided to the site:

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31<sup>st</sup> Street.

Trip Generation Rates from the ITE 8<sup>th</sup> Addition Trip Generation Report

**Shopping Center - Proposed Use**

Average Daily Traffic - 429 trips  
PM Peak - 34 trips  
PM in - 17 trips  
PM out - 17 trips

**Clinic - Proposed Use**

Average Daily Traffic - 189 trips  
PM Peak - 31 trips  
PM in - 0 trips  
PM out - N/A trips

**Restaurant - Proposed Use**

Average Daily Traffic - 405 trips  
PM Peak - 34 trips  
PM in - 23 trips  
PM out - 11 trips

**Total Increase in Traffic**

Average Daily Traffic - 1,023 trips  
PM Peak - 99 trips  
PM in - 40 trips  
PM out - 28 trips

The proposed development will moderately increase the traffic on Phoenix Avenue.

**3m. Statement of availability of water and sewer (state size of lines)**

There is existing 8" water and 8" sewer services located on site. See Site plan for further detail.

## LANDSCAPE MANAGEMENT SCHEDULE

### January:

- Prune any tree branches that interfere with public safety or sight lines. Prune all street trees yearly to encourage strong upward growth. Do not top trees.
- Mulch mow all turf areas once per month. (Use mulching mower that chops clippings finely and blows mulch down into turf to decompose and feed soil.)

### February:

- Apply granular fertilizer around trees or shrubs in late February. Make application prior to a moderate rainfall so the rain will wash the fertilizer in. Do not fertilize swale plantings. (See "Fertilization" section for recommended products.)
- Mulch mow all turf areas once per month.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.

### March:

- Mulch mow all turf areas twice per month.

### April:

- Mulch mow all turf areas weekly.
- Fertilize all landscape areas except for swale. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.

### May:

- Mulch mow all turf areas weekly.
- Water Landscaped areas weekly.

### June:

- Mulch mow all turf areas weekly.
- Prune spring & winter-flowering shrubs as needed to maintain proper shape (natural, touching, not hedged or topiary except where specified by owner).
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.
- Prune perennial bulbs back to ground level as soon as leaf blades yellow and wilt (June-Oct. depending on bulb type).
- Water Landscaped areas biweekly.

### July:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12 feet above street level).

- Water Landscaped areas biweekly.

**August:**

- Mulch mow all turf areas weekly.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

**September:**

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12').
- Fertilize all landscape areas except for swale in September or early October. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Prune perennial bulbs back to ground level as soon as leaf blades yellow and wilt (from June through October, depending on bulb type). Maintain 2 inches of mulch on ground surface over bulbs to insulate from cold and prevent winter weed growth.

**October:**

- Mulch mow all turf areas twice per month.
- Add new mulch to planters and swale where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch additions are not required where shrubs or groundcover completely hide the soil surface from view.

**November:**

- Mulch mow all turf areas twice per month.

**December:**

- Mulch mow all turf areas once per month.
- Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly as needed to remove dead and crossing branches and to encourage spreading and upward growth that fits the available space. Do not top trees.
- Prune summer and fall-blooming shrubs as needed to maintain proper shape.



## Fort Smith Use Matrix

Fort Smith

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**Fort Smith**

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## Appendix A

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## Appendix A

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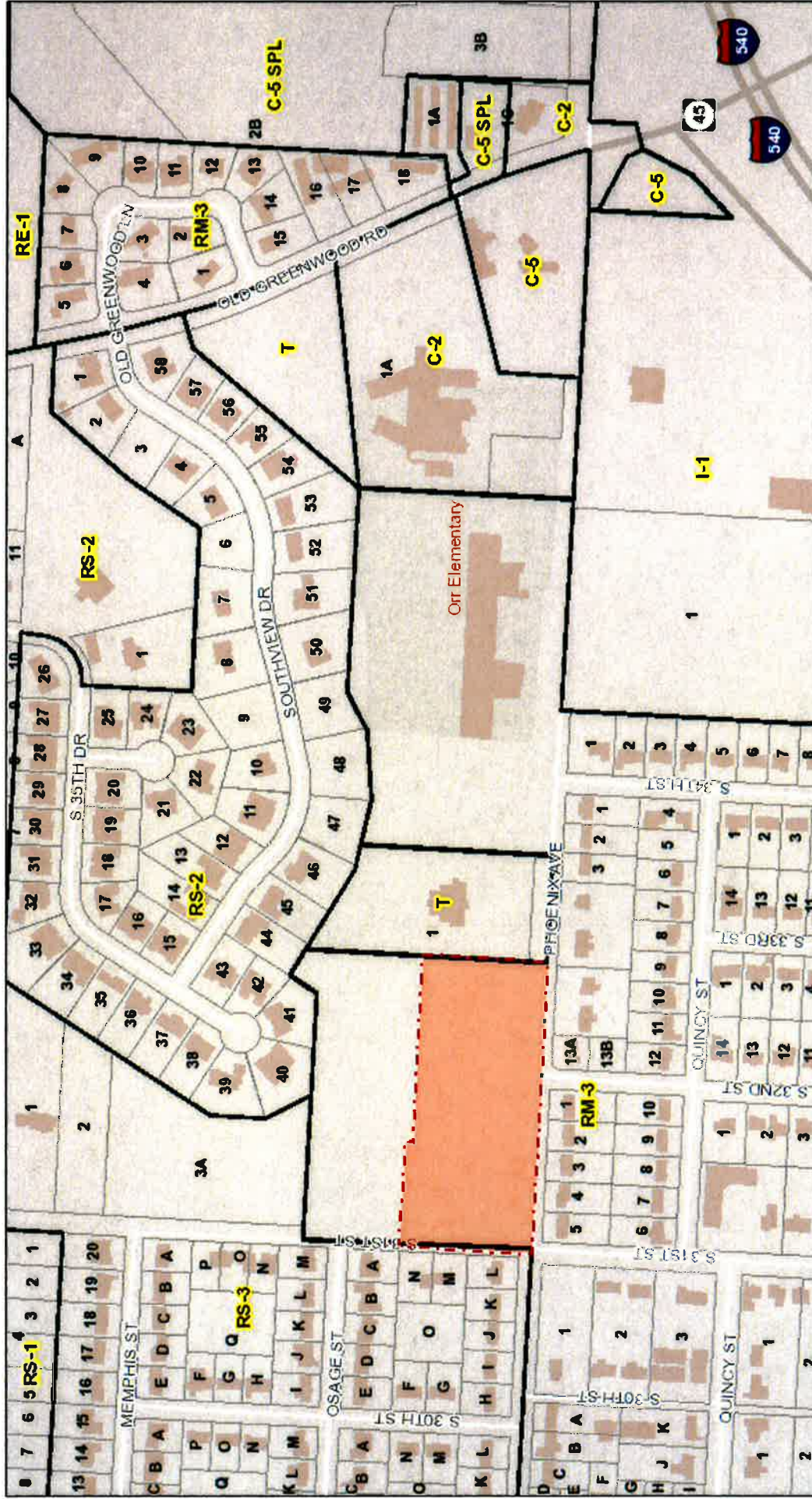
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Appendix A

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# Rezoning #25-12-14: From Residential Multifamily Medium Density (RM-3) to PZD 4613 South 31st Street & 3101, 3201 and 3225 Phoenix Avenue

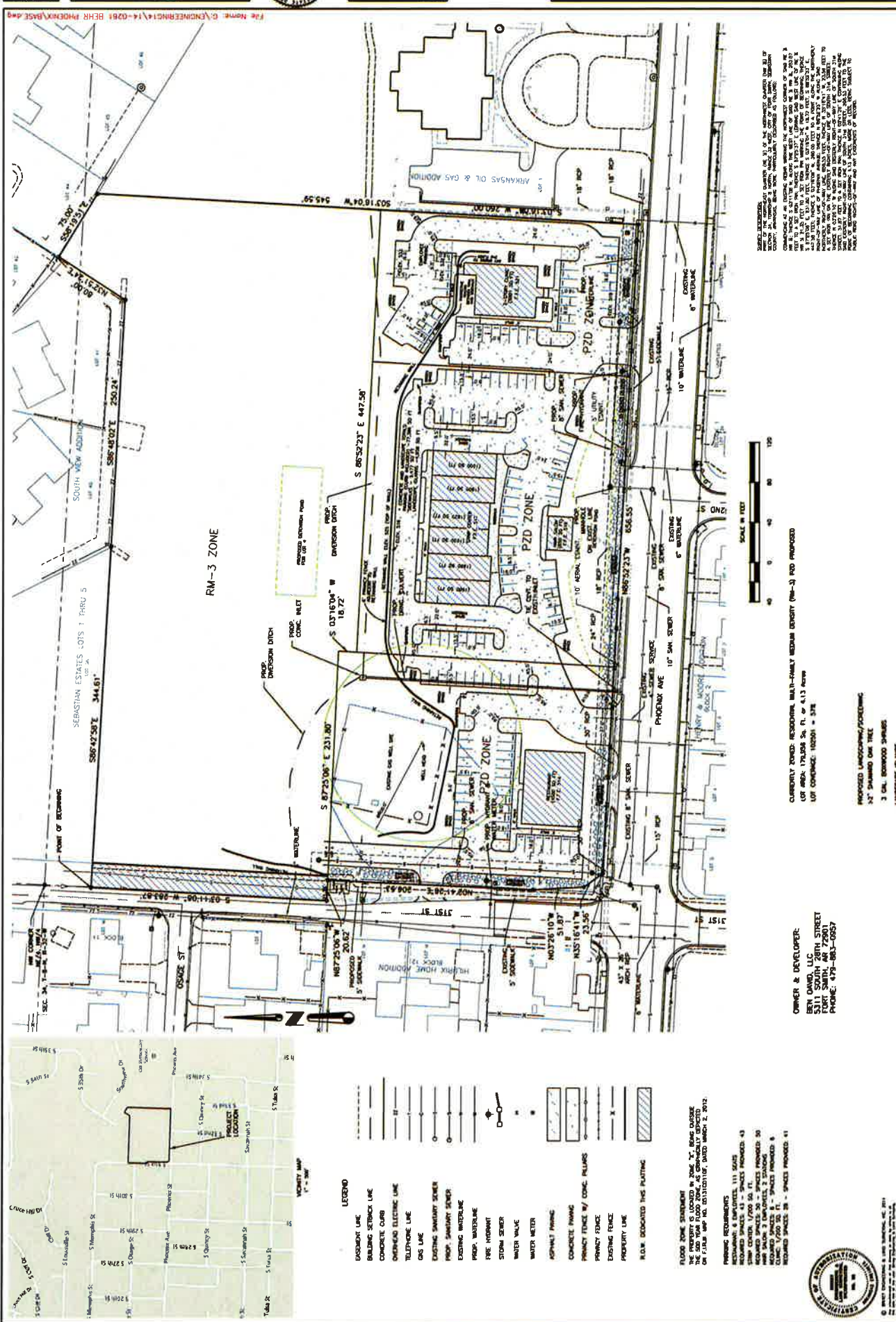


November 19, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints

82-2





NOTES:  
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR ALONG THE CENTERLINE OF THE LOT, AS THE CASE MAY BE.  
 3. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR ALONG THE CENTERLINE OF THE LOT, AS THE CASE MAY BE.  
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SCALE IN FEET  
 0 10 20 30 40 50 60 70 80 90 100 110 120

CURRENTLY ZONED RESIDENCE MEDIUM-DENSITY (RM-3) AND PROPOSED  
 LOT AREA: 12,000 SQ. FT. = 4.13 ACRES  
 LOT COVERAGE: 100.00% = 3.7%

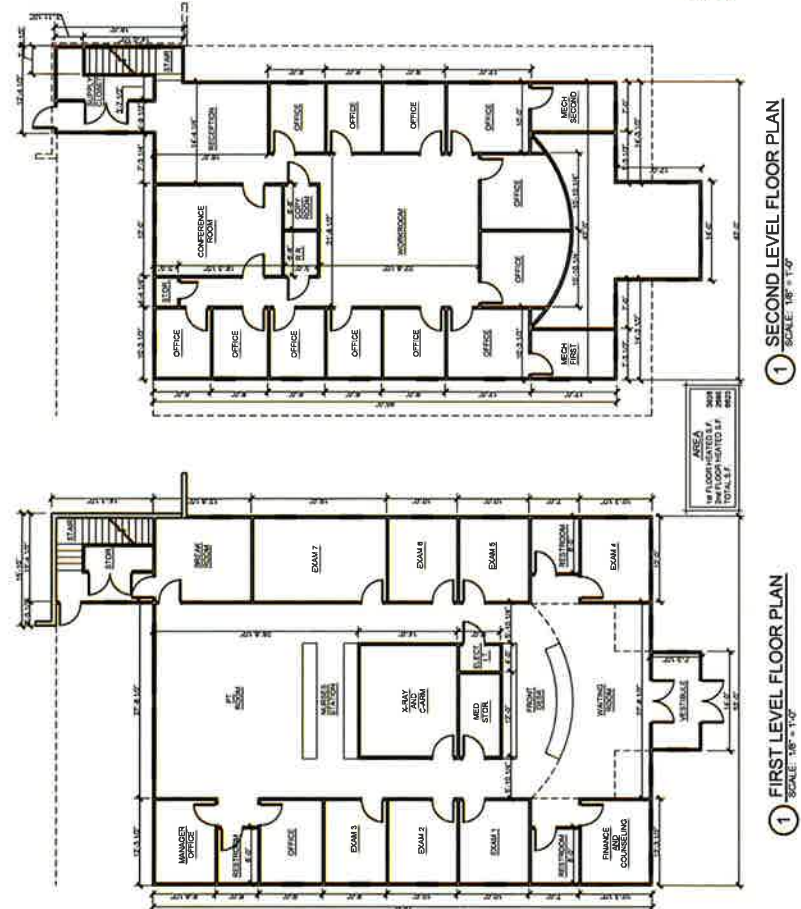
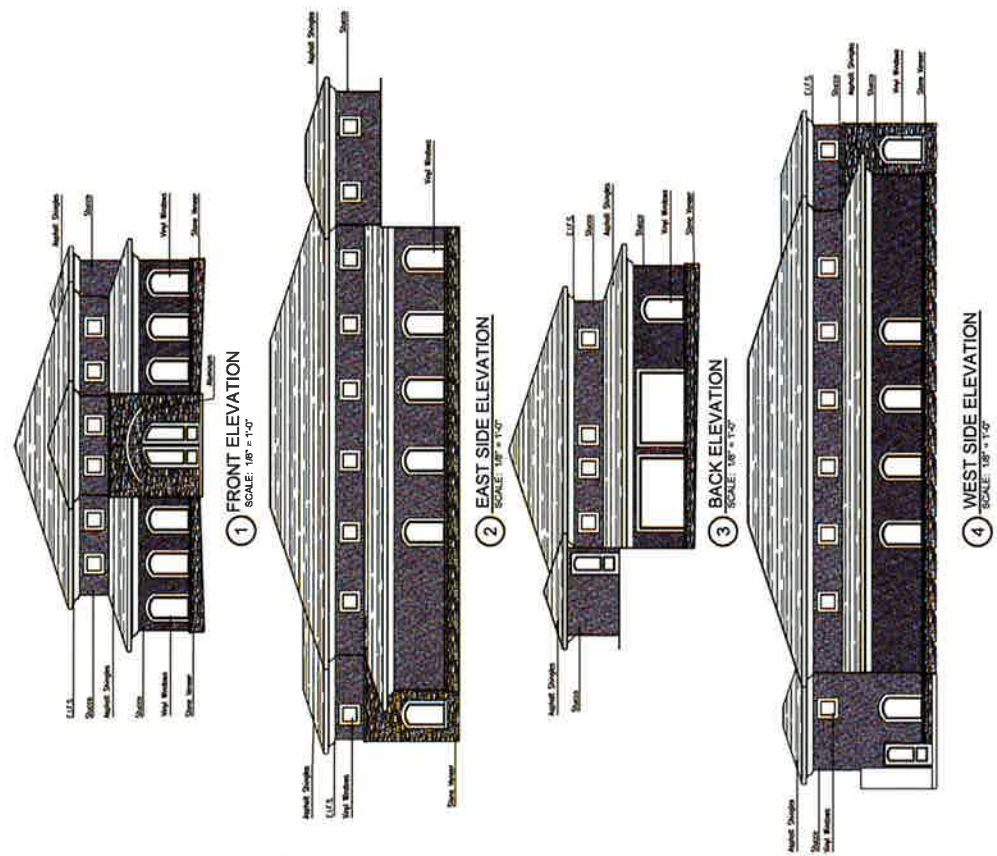
PROPOSED LANDSCAPING/STREETC  
 2' SHADING OR TREE  
 3' OR BROADWOOD SPACES  
 LANDSCAPE ISLANDS

OWNER & DEVELOPER:  
 BEN OAK, LLC  
 5311 SOUTH 28TH STREET  
 FORT SMITH, ARKANSAS 72506  
 PHONE: 479-683-0057

LEGEND  
 EXISTING LANE  
 BUILDING SETBACK LINE  
 CONCRETE CURB  
 OVERHEAD ELECTRIC LINE  
 TELEPHONE LINE  
 GAS LINE  
 EXISTING SANITARY SEWER  
 PROPOSED SANITARY SEWER  
 PROPOSED WATERLINE  
 EXISTING WATERLINE  
 FIRE HYDRANT  
 STORM SEWER  
 WATER VALVE  
 WATER METER  
 ASPHALT PAVING  
 CONCRETE PAVING  
 PRIVATE FENCE W/ CONIC PILLARS  
 PRIVATE FENCE  
 EXISTING FENCE  
 PROPERTY LINE  
 R.O.W. DEDICATED THIS PLATING

82-3





## Conditional Use

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 19, 2014

**Re:** Conditional Use #34-12-14 - A request by Thomas E. Howard, agent for ACH Central Shopping Center, LLC, for Planning Commission consideration of a Conditional Use request for a technical or trade school located at 1200 Waldron Road.

### **PROPOSED CONDITIONAL USE**

The conditional use if approved will allow for the remodeled empty lease space located at 1200 Waldron Road to be used as a technical or trade school. All the teaching and training will take place inside the existing building.

### **LOT LOCATION AND SIZE**

The subject property is on the west side of Waldron Road between Duncan Road and Summit Street. The tract contains an area of 16.54 acres with 550 feet of street frontage along Waldron Avenue.

### **EXISTING ZONING**

The existing zoning on this tract is Commercial Regional (C-4). Characteristics of this zone are as follows:

#### **Purpose:**

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

#### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-4 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

9A

### **Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 40,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 80%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres

Existing District (By Extension) – 3 acres

Minimum Lot Width – 150 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 20 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

### **SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned as RSD-2 and Transitional (T) and are developed as Multifamily and Single Family dwelling units and an office building.

The areas to the east are zoned Commercial Light (C-2) and are developed as a bank and shopping center.

The areas to the south are zoned Commercial Regional (C-4) and is developed as the Central Mall.

The areas to the west are zoned Commercial Regional (C-4) and is developed as a mental health clinic.

### **PURPOSE OF CONDITIONAL USE**

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

### **CONDITIONS FOR A CONDITIONAL USE**

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

9B

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur at the existing locations along Waldron Road. Furthermore, the mall and this shopping complex appear to have joint parking so further exit and entrance points could occur on Rogers Avenue.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – All drainage on the site is existing.

**Right-of-way dedication** – No new right of way dedication will be required.

**Landscaping** – No new landscaping is required or proposed.

**Screening** – No new screening is proposed or requested.

**Parking** – The site will use the current parking that is available.

**Signage** – No new signage is submitted with the application. All signage will require a building permit and review.

**Lighting** – No new lighting is proposed.

**Setbacks** – No new setbacks will be proposed since the building is existing.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Thursday, November 20<sup>th</sup>, 2014 on site. Three surrounding property owners were in attendance. No objections were raised. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

9C

2. All signage requires a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 1200 Waldron Road Next to Locke Supply

Meeting Time & Date Thursday, November 20th, 2014 at 6pm

Meeting Purpose Conditional Use

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Peggy Jeffries	5 Free Terry Cir.	484-5294
2.	Karen Stewart	2314 S. 46 <sup>th</sup> Street	651-1884
3.	Jerry Jeffries	1122 So. Waldron Rd	452-4333
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			



## Miller, Perry

---

**From:** Rett Howard <rhoward@risley-associates.com>  
**Sent:** Monday, November 24, 2014 9:55 AM  
**To:** Andrews, Brenda  
**Cc:** Miller, Perry  
**Subject:** FW: Message from fiery  
**Attachments:** SMinolta14112409440.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Brenda

Attached is the sign in sheet for Vista College Neighborhood meeting. Three showed. None had comments, but all wanted to know when they would be open. One was a RN, One was a retired DDS and his wife. We spent about 30 min talking about it and everyone was excited.

Rett

**From:** minolta@risley-associates.com [mailto:minolta@risley-associates.com]  
**Sent:** Monday, November 24, 2014 9:44 AM  
**To:** rhoward@risley-associates.com  
**Subject:** Message from fiery

Conditional Use # 34-12-14

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: ACH Central Shopping Center (Vista College Remodel)

Name of Authorized Agent (if applicable) Thomas E. Howard, Jr. (Rett)

Legal Description of property included in the conditional use request:

See Site Plan, Site Map and Attachment #1

Street Address of Property:

1200 Waldron Road Fort Smith AR 72903

Existing Zoning Classification:

C4

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Career education school, field of study includes medical assistant, HVAC, plumbing, Electrical, Information Tech.

What amenities are proposed such as landscaping and screening?

None- Existing NOTE: All classes will be conducted inside. Outside work is not permitted.

Thomas E. Howard JR. (Rett)  
Owner or Agent Name (please print)

Signed:

6101 Phoenix Ave #1 Con/Arc Place  
Owner or Agent Mailing Address  
Fort Smith, AR 72903

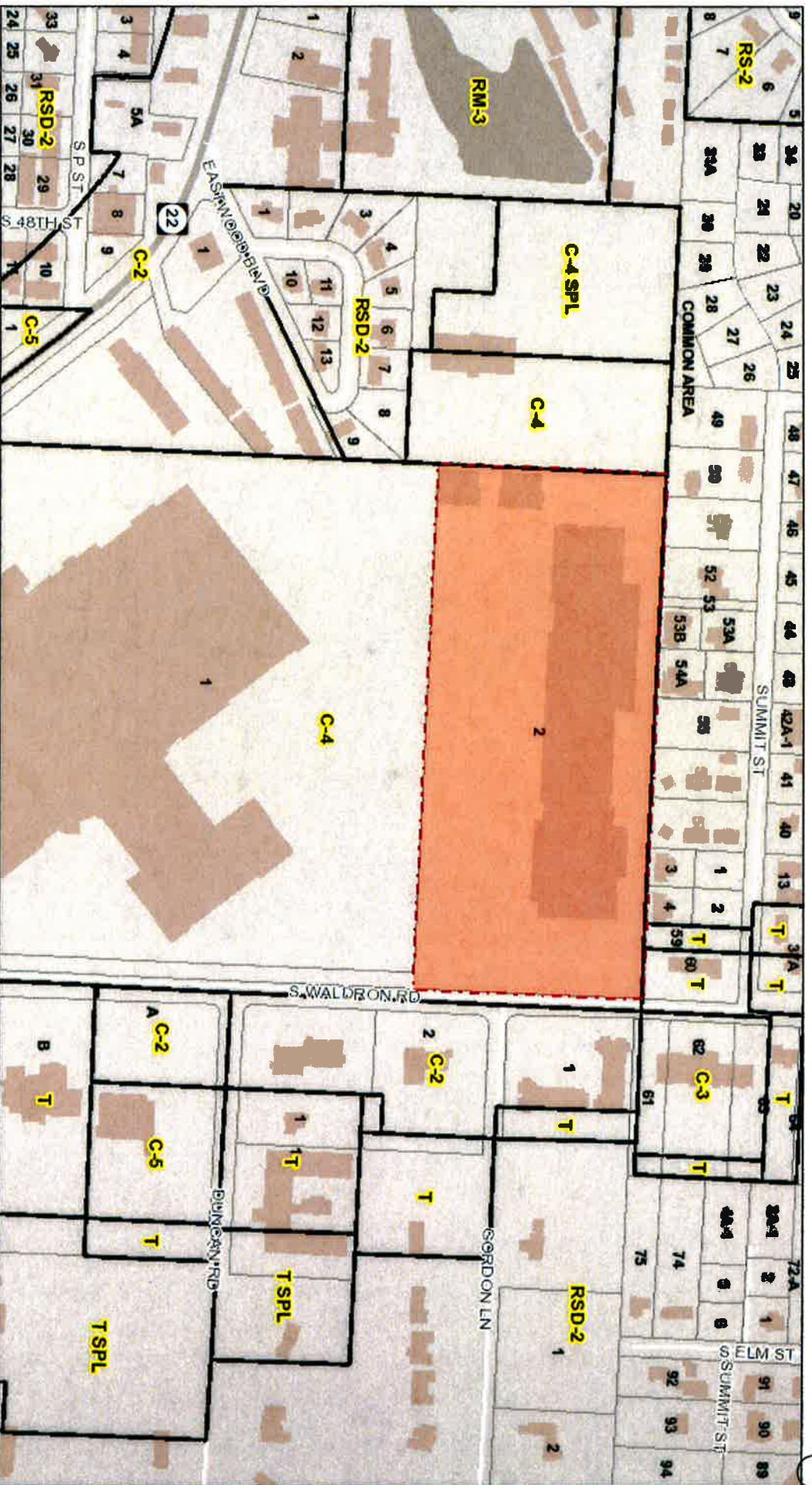
Owner

479-452-2636  
Owner or Agent Phone Number

Or  
  
Agent

96

# Conditional Use #34-12-14: School, Technical or Trade 1200 South Waldron Road



November 19, 2014

- ☒ Fort Smith City Limits
- ☒ Zoning
- ☐ Subdivisions
- ☒ Building Footprints



  
 OVERALL SITE MAP  
 SCALE: NONE  
 (AREA 25,827 S.F. - VERIFY)

PRELIMINARY



EDUCATION FUTURES GROUP  
 CENTRAL SHOPPING CENTER  
 1200 WALDRON ROAD  
 FORT SMITH, ARKANSAS



TIM A. RISLEY & ASSOCIATES  
 ARCHITECTS AND PLANNERS

#1 CONARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS 72903  
 PHONE - 479.452.2836 • FAX - 479.452.3025 • EMAIL - info@risleyandassociates.com



91



**NOTES:**

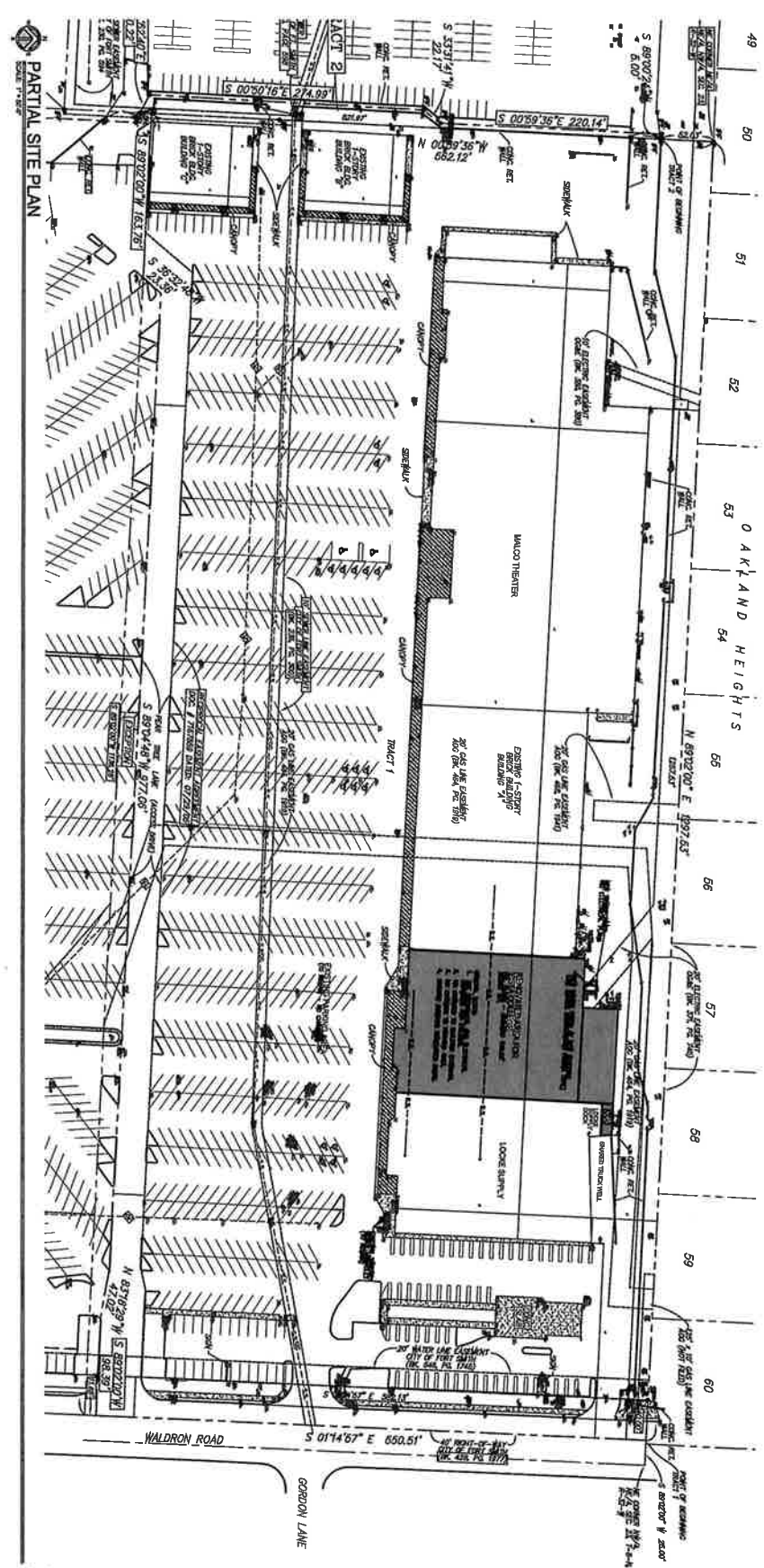
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preliminary  
A1



**EDUCATION FUTURES GROUP  
CENTRAL SHOPPING CENTER**  
1200 WALDRON ROAD  
FORT SMITH, ARKANSAS

**TIM A. RISLEY & ASSOCIATES  
ARCHITECTS AND PLANNERS**  
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PHONE - 478.452.2658 • FAX - 478.452.3025 • EMAIL - info@risley-associates.com



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 18, 2014

**Re:** Variance #33-12-14 - A request by Diana Lopez, agent for Raymundo Lopez Martinez and Teresa Lopez Diaz, for Board of Zoning Adjustment consideration of a zoning variance request from 5 feet to 2.5 feet interior side yard setback located at 4215 North Street

## **REQUESTED VARIANCE**

Approval of the interior side-yard setback will allow for a storage building to continue encroaching the setback at 4215 North Street. The building will be placed on an existing slab and foundation from a similar building that was damaged by fire and demolished.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of North Street between North Albert Pike and North 43<sup>rd</sup> Street. The tract contains an area of 0.15 acres with 50 feet of street frontage along North Street.

## **EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

### **Purpose:**

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.



### **Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet

Maximum Height - 40 feet (1+1)

Maximum Density – 20 Dwelling Units/Acre

Maximum Lot Coverage - 65%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Side/Rear adjacent to RS district/development – 30 feet

Minimum building separation – 10 feet

**Note:** Single or two family homes built on platted lots at least 50' wide and 5,000 s.f. in area may comply with R-4 setbacks. The interior setback for R-4 is 5'.

### **SURROUNDING ZONING AND LAND USE**

All of the surrounding properties are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North Street as a local road.

### **LAND USE PLAN COMPLIANCE**

The Master Land Use Plan currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Master Land Use Plan.

### **APPLICANT HARDSHIP**

The applicant has stated that the owner needs the variance for the partially built structure to be located in the same footprint as the previous building that was destroyed by fire. If the variance is not approved the owner will not be able to utilize the existing slab.

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## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, December 1<sup>st</sup>, 2014 on site. No neighboring property owners were present at the neighborhood meeting. Staff has received no objections to the proposed variance.

Section 27-118 of the Unified Development Ordinance allows non-conforming structures to continue until destroyed or damaged. When a non-conforming structure is destroyed or damaged to the extent that the cost of repair is more than 50% of the value of the structure after repair, this section states that the structure shall not be rebuilt until a conditional use application is presented and approved by the Planning Commission.

Chapter 27-200 of the UDO defines a structure as “a combination of material to form a construction that is safe and stable.”

The Planning Department has historically utilized the variance process for these situations instead of the conditional use process. The process of a variance accomplishes the same results for the residential property owner but with less cost and without the requirement to provide a detailed development plan. Additionally, the approval of a variance causes the structure to become conforming so that if a similar situation occurs it can be rebuilt without further planning commission or board of zoning adjustment approvals.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Staff recommends approval of the application contingent upon:

1. Construction must comply with the submitted site plan. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Var. #33-1214

## APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Midland Heights, Block 60  
Lot 12

Address of property 4215 North Street, Existing or Proposed

Zoning Classification RM-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

**Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship**

<u>FROM</u>		<u>TO</u>
_____	-	_____ Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____ Exterior Side Yard Setback
<u>7' 1/2'</u>	-	<u>2.5</u> Interior Side Yard Setback <u>2.5'</u>
_____	-	_____ Rear Yard Setback
_____	-	_____ Maximum Height of Structure
_____	-	_____ Minimum Distance Between Structures on the Same Lot
_____	-	_____ Minimum Lot Area (Square Feet)
_____	-	_____ Minimum Lot Frontage
_____	-	_____ Maximum Size of a Sign
_____	-	_____ Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

100

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 1 day of December, 2014.

Signed:

Diana Lopez  
Owner or Agent Name (please print)

Raymundo Lopez M.  
Owner

or

918) 721-9489  
Owner or Agent Phone Number

Diana Lopez  
Agent

4601 Spradling Ave  
Owner or Agent Mailing Address

Variance # \_\_\_\_\_

10E

## VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

N/A

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The existing structure burned down and the new garage was build on the same slab where the original structure was at.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

None



# Variance #33-12-14: From 5.0' to 2.5' interior side yard setback 4215 North Street

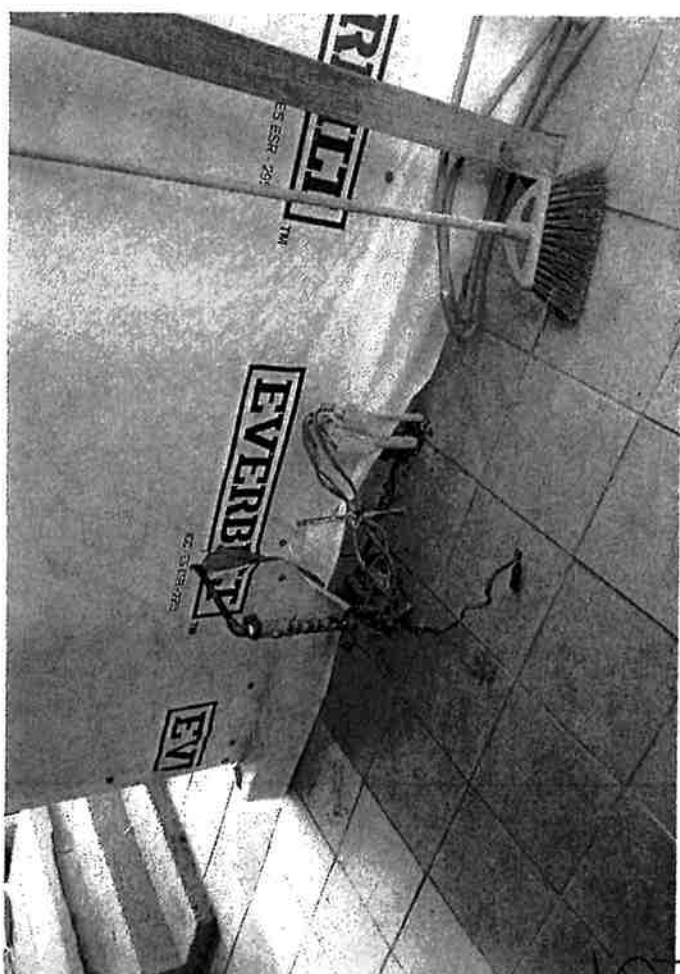
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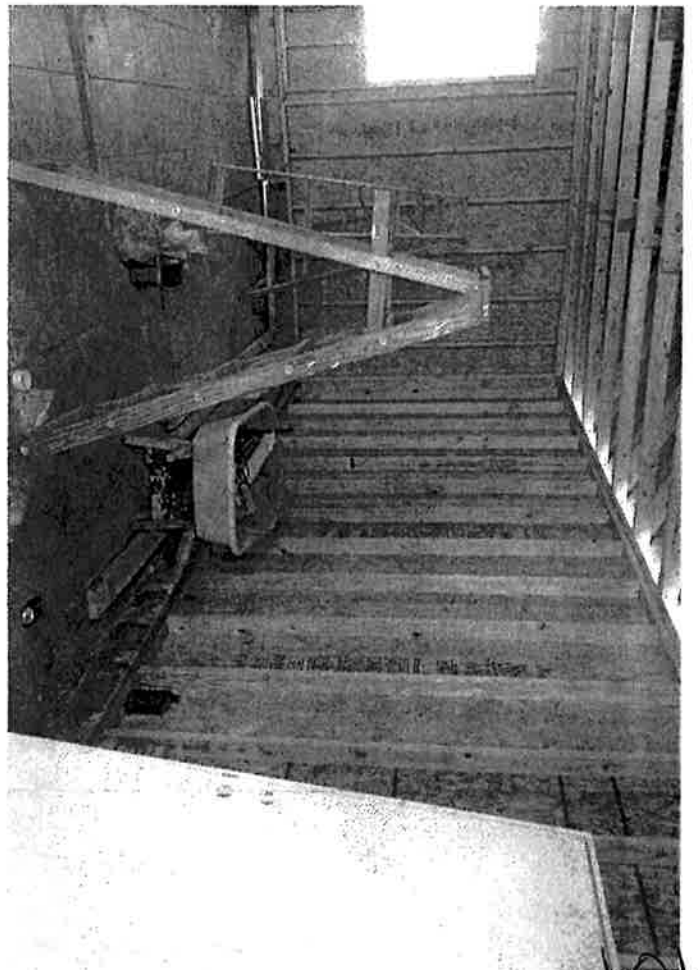
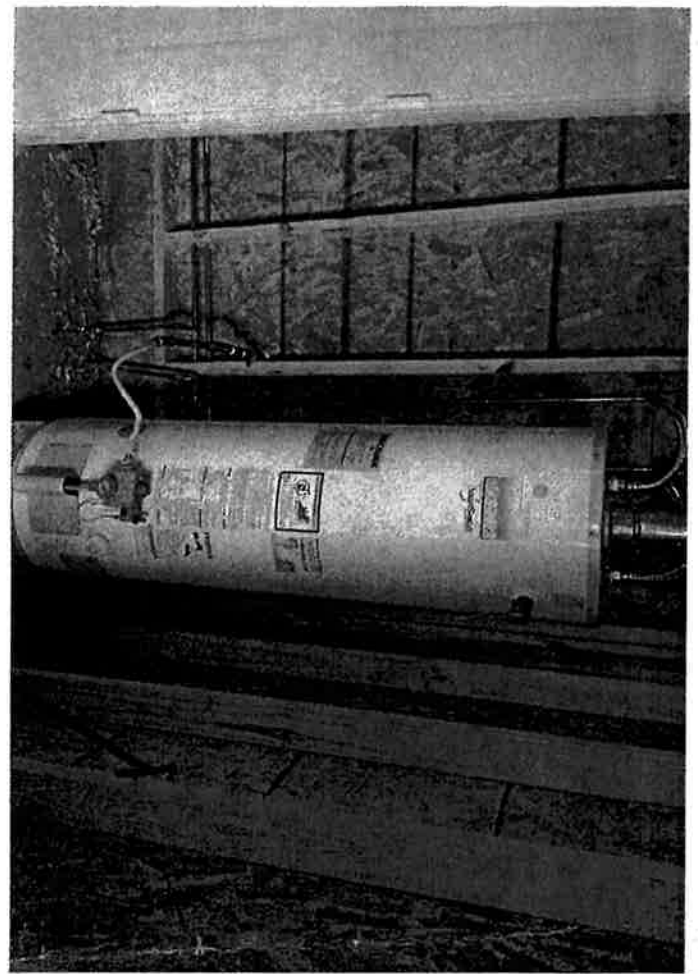
November 19, 2014

- ☐ Fort Smith City Limits
- ☐ Building Footprints
- ☐ Zoning
- ☐ Subdivisions

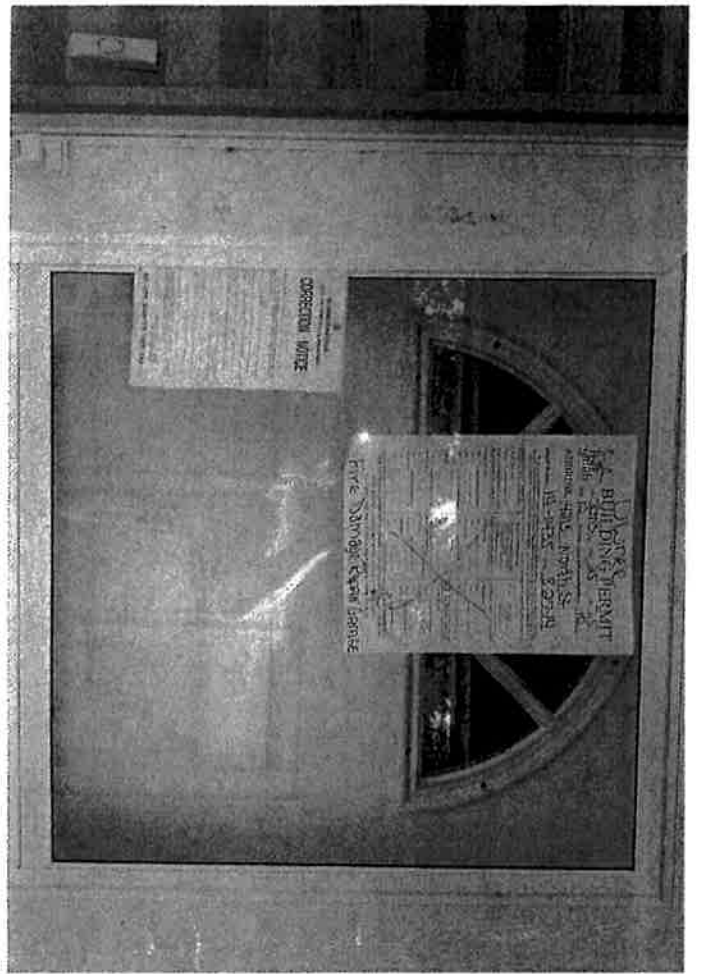
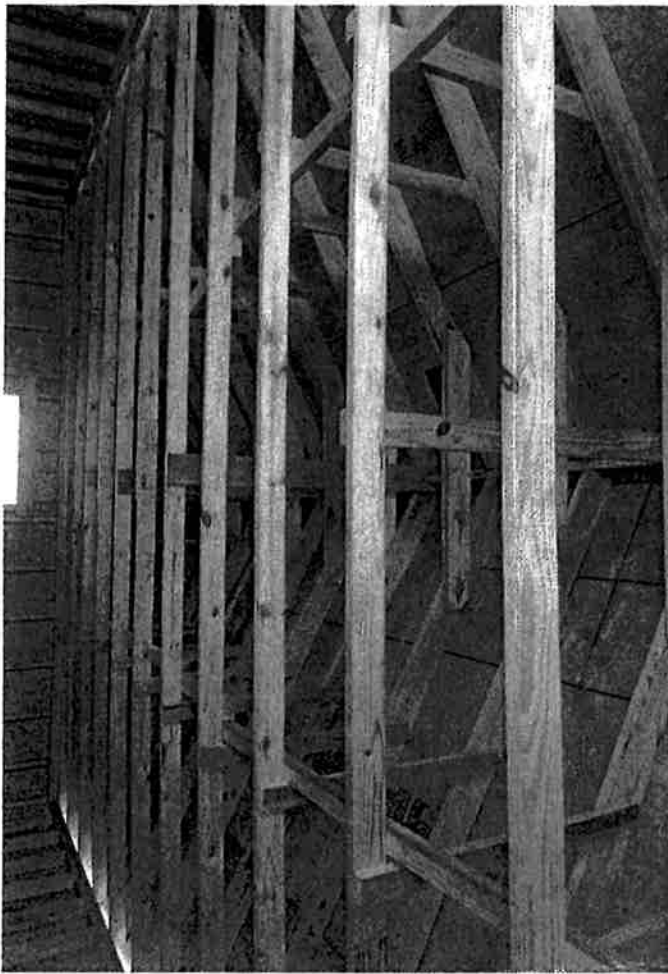








10K



## Variance

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 19, 2014

**Re:** Variance #34-12-14-0-00 - A request by Mickle-Wagner-Coleman, Inc., agent for Rogers Avenue Properties, Inc. for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 0 feet interior side yard setback

### **REQUESTED VARIANCE**

The variance if approved will allow for an approximate 50,000 s.f. Burlington Coat Factory building to have an interior side-yard setback of "0" feet to align with the adjacent Staples building.

### **LOT LOCATION AND SIZE**

The subject property is on the north side of Rogers Avenue between North 57<sup>th</sup> Street and North 58<sup>th</sup> Street. The tract contains an approximate area of 5 acres with approximately 56 feet of street frontage along Rogers Avenue.

### **EXISTING ZONING**

The existing zoning on this tract is Commercial Heavy (C-5).  
Characteristics of this zone are as follows:

#### **Purpose:**

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

#### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

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### **Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

### **SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned Transitional (T) and Residential Single Family-Duplex Low/Medium Density (RSD-2) and are developed as professional offices and single family residences.

The areas to the west, east, and south are zoned Commercial Heavy (C-5) and are developed as general commercial consisting of retail and restaurants.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Rogers Avenue as a Major Arterial.

### **LAND USE PLAN COMPLIANCE**

The Master Land Use Plan currently classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting. Approval of the variance will not conflict with the goals and objectives of the Master Land Use Plan.

### **APPLICANT HARDSHIP**

The applicant has stated the variance is needed to reduce the setback to zero on the west property line to allow the proposed structure to adjoin the existing Staples building to form a continuous structure across two lots. The current plan was in place when the Staples building was constructed, which received approval of a similar setback variance.

11B

## **STAFF COMMENTS AND RECOMMENDATIONS**

Staff has received an e-mail from one adjacent property who does not object to the variance but requested that the city consider improvements to the intersections of South 58<sup>th</sup> & Rogers Avenue. Enclosed is the e-mail as well as a response from Stan Snodgrass, Director of Engineering.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

11C

## Andrews, Brenda

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**From:** Snodgrass, Stan  
**Sent:** Thursday, December 04, 2014 3:50 PM  
**To:** Bailey, Wally; Greg Shipley  
**Cc:** Neal Morrison; Andrews, Brenda  
**Subject:** RE: Burlington Coat Factory - traffic concerns

All,

The preliminary plan for the proposed redevelopment of this area shows the north leg of 58<sup>th</sup> Street to be widened to a 3 lane section a considerable distance which will significantly increase the available stacking. It appears that the stacking for the southbound left turn and straight/right lanes will approximately double in the available storage. No traffic data for the variance was submitted as it will be submitted with the actual development plans for this area. However, I would not expect there to be any proposed modifications to the south leg of 58<sup>th</sup> Street as part of the redevelopment of this area. Any modifications to the traffic signal (i.e, addition of protected left turns on northbound/southbound 58<sup>th</sup> Street) will require approval by the AHTD due to its connection to Rogers Avenue (Ar Hwy 22). Given past experience with the AHTD in situations like this, justifications for modifications to the traffic signal (adding protected left turns) have to be based on actual traffic data and not anticipated. We will monitor this traffic signal and determine later next year if it meets the warrants for the protected left turns.

Stan

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**From:** Bailey, Wally  
**Sent:** Tuesday, December 02, 2014 9:04 AM  
**To:** Greg Shipley  
**Cc:** Bailey, Wally; Snodgrass, Stan; Neal Morrison; Andrews, Brenda  
**Subject:** Re: Burlington Coat Factory - traffic concerns

Greg  
This is to acknowledge receipt of your email. Brenda or I will be visiting with the engineering department staff and Stan to discuss this project and your suggestions.

Wally  
Sent from mobile

On Dec 1, 2014, at 6:27 PM, Greg Shipley <[GShipley@MorrisonShipley.com](mailto:GShipley@MorrisonShipley.com)> wrote:

Wally,

As an adjacent property owner, we received your letter re the variance Burlington Coat Factory. We have no objections to this variance or to the development as a whole.

One thing I would like the City to explore is improving the South 58<sup>th</sup> Street/Rogers intersection. Given the amount of spaces this store will generate, this intersection will FAIL from a traffic level-of-service standpoint (probably does so already). It is customary in other cities to have the developer pay to improve intersections that are impacted as this one will be – we are required to do this all the time for retail clients we serve.

My suggestions:

1. A FULL traffic study should be required for this development – not just a traffic impact statement.
2. The north leg of 58<sup>th</sup> extended needs to be straightened out for additional queuing space. Currently, the bend in the driveway denies full stacking of the right hand southbound lane when the left turn stack is backed up.
3. A protected left signal for both legs of 58<sup>th</sup> should be considered.
4. The south leg of 58<sup>th</sup> should be widened to 3 lanes for a significant distance to the south so drivers have more decision time on entering the correct lane as they approach Rogers.
5. A dedicated right turn lane onto Rogers should be added on the south leg of 58<sup>th</sup> Street. This will require relocation of a power line, but that should not be a limiting factor to improving driver safety IMO.

This is a GREAT opportunity for the City to get a very dangerous intersection corrected at NO expense to the taxpayers. Ultimately, if it is not corrected now, the City will need to address it after Burlington is open. There are no other full north-south penetrations on Rogers going east until you reach South 74<sup>th</sup>, thus this intersection sees A LOT of traffic entering onto Rogers from the north - not only traffic generated from the existing retail & hotel businesses, but from many residents that live between Waldron and 74<sup>th</sup>, north to Free Ferry. I believe a traffic study would second my observations.

If a plan to address these issues has been submitted or is in the works, I would appreciate hearing what that includes.

Thanks for the long read and for considering my comments. I have copied Stan on this as an FYI.

Thanks!  
Greg

<image001.gif>

Vor#34-12-14

## APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 4A, Azalea Square (Proposed Lot 4B)

Address of property 5721 Rogers Avenue, Existing or Proposed

Zoning Classification C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

**Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship**


**FROM**

**TO**

_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
<u>20</u>	-	<u>0</u>	Interior Side Yard Setback
_____	-	_____	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
_____	-	_____	Minimum Lot Area (Square Feet)
_____	-	_____	Minimum Lot Frontage
_____	-	_____	Maximum Size of a Sign
_____	-	_____	Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Mickle Wagner Coleman, Inc.  
~~Owner or~~ Agent Name (*please print*)

\_\_\_\_\_  
Owner

479-649-8484  
~~Owner or~~ Agent Phone Number

  
or  
Agent

P.O. Box 1507, Fort Smith, AR 72902  
~~Owner or~~ Agent Mailing Address

Variance # \_\_\_\_\_

11G



## VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>      </u>	<u>  X  </u>	Is this variance needed because of previous actions taken by yourself?
<u>      </u>	<u>  X  </u>	Is this variance needed because of previous actions taken by a prior owner?
<u>      </u>	<u>  X  </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>      </u>	<u>  X  </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>      </u>	<u>  X  </u>	Is the lot of an odd or unusual shape?
<u>      </u>	<u>  X  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>      </u>	<u>  X  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>      </u>	<u>  X  </u>	Is any part of the lot in a flood plain or flood way?
<u>      </u>	<u>  X  </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>      </u>	<u>  X  </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>      </u>	<u>  X  </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

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2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

A variance is needed to reduce setbacks to zero on the side yard to allow for a continuous structure across lots. This was the plan when Staples was built, and a similar variance was thus granted for the Staples structure. Fire apparatus access will be available along the full perimeter of the structures, and the structure will meet all applicable fire codes.

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3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

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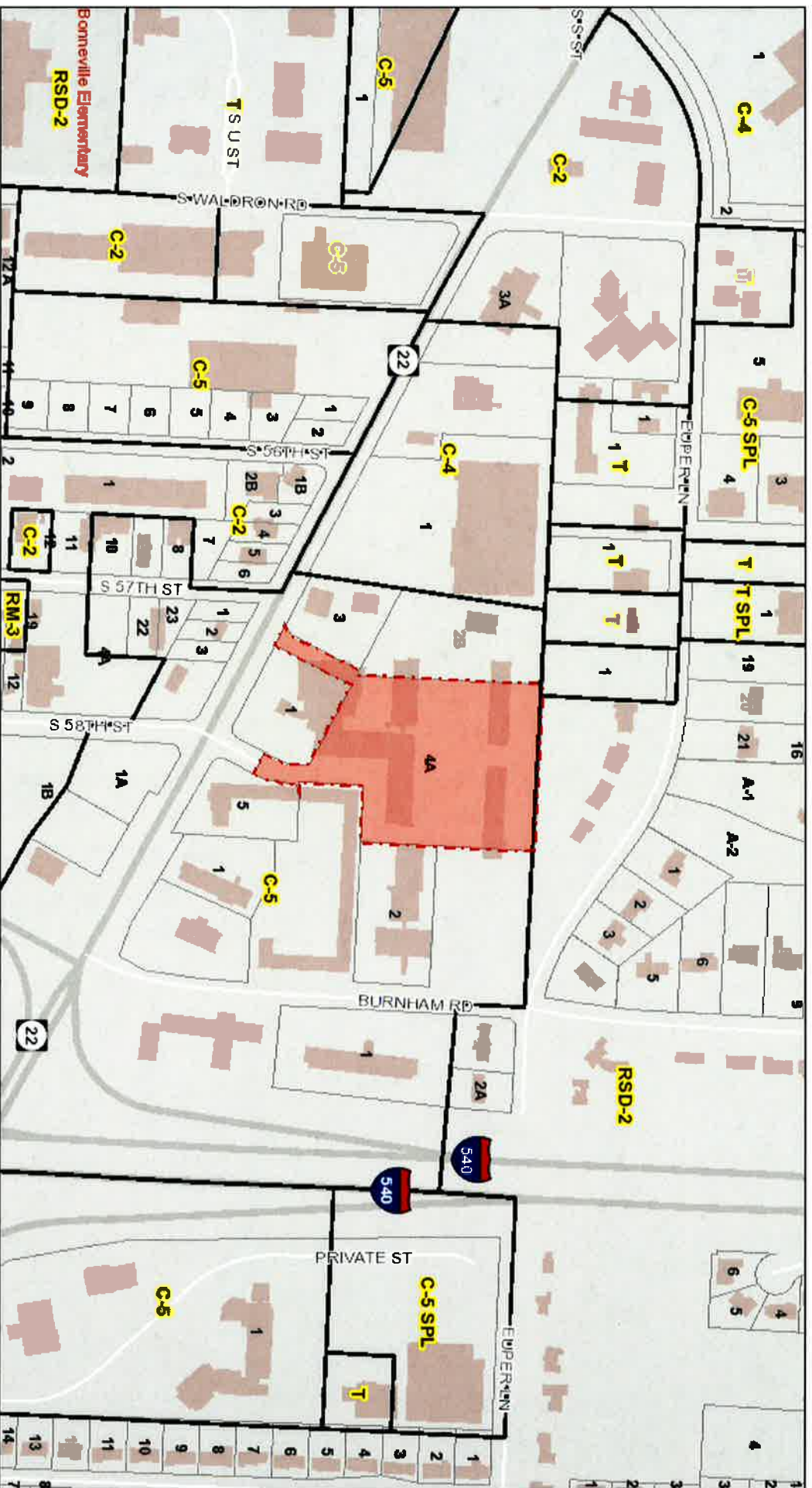
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# Variance #34-12-14: From 20' to 0' interior side yard setback 5721 Rogers Avenue

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November 19, 2014

Fort Smith City Limits Building Footprints

Zoning

Subdivisions



**ATKLE-WAGNER-COLEMAN, INC.**  
Engineers Surveyors Consultants  
P.O. Box 1507 Fort Smith, Arkansas